

By Mr. LANGLEY: A bill (H. R. 12900) granting an increase of pension to Adron Duff; to the Committee on Pensions.

By Mr. JOHN W. RAINEY: A bill (H. R. 12901) granting a pension to Michael Quinlan; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 12902) granting a pension to George S. Nevils; to the Committee on Pensions.

Also, a bill (H. R. 12903) granting a pension to Thomas M. Jenkins; to the Committee on Pensions.

By Mr. WEAVER: A bill (H. R. 12904) granting a pension to William M. Bradley; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2032. By the SPEAKER: Petition of Hon. D. F. Houston, Secretary of the Treasury, relative to the appropriation for the Bureau of Naturalization, etc.; to the Committee on Appropriations.

2033. By Mr. CAREW: Petition of the Jamaica Board of Trade, relative to the national highway act, Senate bill 3572; to the Committee on Roads.

2034. By Mr. DICKINSON of Missouri: Petition of 54 citizens of St. Clair County, Mo., protesting against universal military training; to the Committee on Military Affairs.

2035. By Mr. FULLER of Illinois: Petition of the Barber-Colman Co., of Rockford, Ill., favoring House bill 11984; to the Committee on Patents.

2036. Also, petition of the St. Louis Millers' Club, favoring relief for the starving people of Poland and other European countries, etc.; to the Committee on Ways and Means.

2037. By Mr. GREEN of Iowa: Petition of Mrs. G. W. Moreland and 29 others, favoring House bill 10925, providing for maternal and infant welfare work; to the Committee on Interstate and Foreign Commerce.

2038. By Mr. KAHN: Petition of the San Francisco (Calif.) District Federation of Women's Clubs, favoring House bill 10925; to the Committee on Interstate and Foreign Commerce.

2039. By Mr. LONERGAN: Petition of members of the Methodist Episcopal Church of Unionville, Conn., for the enactment of House bill 262; to the Committee on Interstate and Foreign Commerce.

2040. By Mr. LUFKIN: Petition of the Beverly (Mass.) Lodge, No. 103, Knights of Pythias, reaffirming its loyalty to the Constitution and the Government of the United States; to the Committee on the Judiciary.

2041. By Mr. MACGREGOR: Petition of the Erie County Pharmaceutical Association, of Buffalo, N. Y., requesting Congress to amend certain provisions in the Volstead Act, etc.; to the Committee on the Judiciary.

2042. Also, petition of the Federal Employees' Union No. 19, of Buffalo, N. Y., relative to the salary of the steamboat inspectors; to the Committee on Appropriations.

2043. By Mr. O'CONNELL: Petition of citizens of Brooklyn, N. Y., relative to the schools in the United States, etc.; to the Committee on Education.

2044. Also, petition of Mrs. William Church Osborn, president board of managers of the Bellevue Hospital, New York City, relative to the Army reorganization bill; to the Committee on Military Affairs.

2045. Also, petition of the National Foreign Trade Council of San Francisco, Calif., relative to the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

2046. Also, petition of citizens of the United States, urging the passage of House bill 1112; to the Committee on the Judiciary.

2047. Also, petition of the National Federation of Federal Employees of Washington, D. C., relative to the appropriation bill, etc.; to the Committee on Appropriations.

2048. Also, petition of the Hagemeyer Trading Co., of New York City, relative to the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

2049. By Mr. RAKER: Petition of the California Redwood Association, of San Francisco, Calif., in favor of Senate bill 3741; to the Committee on Agriculture.

2050. Also, petition of the sailmakers of Mare Island Navy Yard, relative to the bonus for the employees of the Government; to the Committee on Appropriations.

2051. Also, petition of D. C. Brackett, manager of the Pacific Coast Branch of the Air Reduction Co., in favor of House bill 11984; to the Committee on Patents.

2052. Also, petition of the H. N. Cook Belting Co., of San Francisco, Calif., urging that the Bureau of Foreign and Domestic Commerce be continued, etc.; to the Committee on Appropriations.

2053. By Mr. ROUSE: Petition of the American Legion, Department of Kentucky, relative to the treatment and care of certain cases of ex-service men; to the Committee on Military Affairs.

2054. By Mr. ROWAN: Petition of the Hagemeyer Trading Co. and the Republic Bag & Paper Co., of New York City, relative to the foreign and domestic commerce; to the Committee on Appropriations.

2055. Also, petition of H. D. Roosen & Co., of New York City, relative to the curtailment of the expenses of the Government, etc.; to the Committee on Ways and Means.

2056. Also, petition of E. R. Hummenwell and H. C. Hequembourg, of the city of New York, in favor of universal military training; to the Committee on Military Affairs.

2057. Also, petition of Mrs. William Church Osborn, president of the board of managers of the Bellevue Hospital, New York City, and Carolina A. Cummings, of the nineteenth district of New York, relative to the Army reorganization bill; to the Committee on Military Affairs.

2058. Also, petition of the Federal Employees' Union No. 126, of Albany, N. Y., relative to the bonus for Government employees; to the Committee on Appropriations.

2059. Also, petition of the National Reclamation Association, of Washington, D. C., for the expansion of internal trade and the creation of larger home markets; to the Committee on Interstate and Foreign Commerce.

2060. By Mr. SANDERS of New York: Petition of 5,000 citizens of Rochester, N. Y., urging the recognition of Irish independence and the passage of the so-called Mason bill making an appropriation for diplomatic and consular services to Ireland; to the Committee on Foreign Affairs.

2061. Also, petition of 36 residents of Avon, N. Y., urging a favorable report and passage of House bill 10925, offering Federal aid to the various States in maternal and infant welfare work; to the Committee on Interstate and Foreign Commerce.

2062. By Mr. SCHALL: Petition of C. E. Fisher and others, of Minneapolis, Minn., urging the passage of House bill 1112; to the Committee on the Judiciary.

2063. By Mr. SIEGEL: Petition of the Assembly of the State of New York, asking for sufficient appropriation for the enforcement of the act of June 29, 1888, to prevent deposits within the harbor of New York; to the Committee on Appropriations.

2064. By Mr. TAGUE: Petition of the National Reclamation Association, of Washington, D. C., for the expansion of internal trade and the creation of larger home markets, etc.; to the Committee on Interstate and Foreign Commerce.

2065. Also, petition of the Commission on Foreign and Domestic Commerce and N. J. Reilly & Co., of Boston, Mass., relative to the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

2066. By Mr. WATSON: Petition of the Bucks County Fish, Game, and Forestry Association, indorsing the bill providing for the purchase of certain lands to extend along Yellowstone River, etc.; to the Committee on the Public Lands.

2067. Also, petition of the Rev. R. J. Gottschall, pastor Norristown Schwenkfelder Church, Norristown, Pa., expressing sympathy of the congregation present for the Koreans in their struggle for independence, etc.; to the Committee on Foreign Affairs.

2068. Also, petition of citizens of Bucks and Montgomery Counties, Pa., favoring House bill 3149; to the Committee on Reform in the Civil Service.

#### SENATE.

THURSDAY, March 4, 1920.

(Legislative day of Wednesday, March 3, 1920.)

The Senate met in open executive session at 12 o'clock noon, on the expiration of the recess.

#### TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Beckham	Colt	Fletcher	Harris
Borah	Culberson	France	Henderson
Brandegee	Cummins	Frelinghuysen	Hitchcock
Calder	Curtis	Gay	Johnson, S. Dak.
Capper	Dillingham	Gronna	Jones, N. Mex.
Chamberlain	Edge	Hale	Jones, Wash.

Kellogg  
Kendrick  
Kenyon  
Keyes  
Kling  
Kirby  
Knox  
Lodge  
McCormick

McLean  
McNary  
New  
Norris  
Nugent  
Overman  
Page  
Phipps  
Pittman

Poindexter  
Ransdell  
Reed  
Sheppard  
Sherman  
Smith, Ga.  
Smith, S. C.  
Smoot  
Spencer

Sterling  
Sutherland  
Thomas  
Townsend  
Trammell  
Wadsworth  
Watson  
Williams  
Wolcott

Mr. KING. The Senator from California [Mr. PHELAN], the junior Senator from Virginia [Mr. GLASS], the Senator from Maryland [Mr. SMITH], and the Senator from Montana [Mr. WALSH] are absent on official business.

The senior Senator from Virginia [Mr. SWANSON] is detained by illness in his family, and the Senator from Massachusetts [Mr. WALSH] is absent on account of the death of a member of his family.

Mr. CURTIS. I wish to announce the absence of the Senator from Alabama [Mr. UNDERWOOD], the Senator from Minnesota [Mr. NELSON], the Senator from Ohio [Mr. POMERENE], the Senator from Maine [Mr. FERNALD], the Senator from Delaware [Mr. BALL], the Senator from Arizona [Mr. ASHURST], the Senator from Mississippi [Mr. HARRISON], the Senator from South Carolina [Mr. DIAL], and the Senator from Tennessee [Mr. MCKELLAR] in attendance at the funeral of the late Senator BANKHEAD.

The PRESIDENT pro tempore. Sixty Senators have answered to their names. There is a quorum present. The Senate is in open executive session, and the question is upon the amendment proposed to the sixth reservation by the Senator from Massachusetts [Mr. LODGE].

Mr. JONES of Washington. Let us have a roll call on the question.

The yeas and nays were ordered.

Mr. CURTIS. Let the amendment be stated.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The ASSISTANT SECRETARY. The Senator from Massachusetts [Mr. LODGE] proposes the following amendment to reported reservation No. 6:

"On lines 11 and 12 strike out the words 'between the Republic of China and the Empire of Japan.'"

Mr. HITCHCOCK. Mr. President, I wish to say a word about the amendment presented by the Senator from Massachusetts. It seems to me that there has been so little said about it that it is not very well understood, to judge from the remarks I have heard here. If the pending reservation were amended as proposed by the Senator from Massachusetts it would read as follows:

The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles.

And there it stops. When formerly considered by the Senate the reservation included the words "between the Republic of China and the Empire of Japan."

Mr. LODGE. Mr. President, I have moved to strike out those last words.

Mr. HITCHCOCK. Yes, I understand; that is what I am trying to say. The amendment proposed by the Senator from Massachusetts is to strike out those words.

Mr. LODGE. I misunderstood the Senator.

Mr. HITCHCOCK. So the reservation would withhold the assent of the United States to the three sections named and reserve to the United States full liberty of action.

Mr. President, I should like to know what possible good can arise as a result of the United States withholding its assent to these three articles? The three articles simply contain an agreement by Germany that she turns over to Japan what she has heretofore held in the Shantung Peninsula as the result of a lease from the Republic of China. Japan has conquered that leasehold and holds possession of it to-day, probably to a greater extent than Germany ever held. What good do we do for China by refusing our assent to the articles by which Germany relinquishes her claim?

Mr. TOWNSEND. Will the Senator yield?

Mr. HITCHCOCK. I yield.

Mr. TOWNSEND. I understand the amendment before the Senate now is to strike out the few last words. It does not change the reservation except in that respect, and we are not now about to vote on the reservation itself but simply on the amendment. Does the Senator object to striking those words from the reservation?

Mr. HITCHCOCK. No, I do not; I should like to strike more words from the reservation; but I am trying to point out the folly of the reservation. I suppose there is some purpose in putting it in there. What possible purpose is it? What benefit does China derive out of it if Germany is prevented from turning

over the rights which she has heretofore held there? As a matter of fact, it is an idle proceeding. The treaty has already been ratified by Great Britain, France, Italy, and Japan. The Japanese title derived as the result of the war has already been endorsed and approved by those countries. Japan has possession, and our withholding our assent to Germany's assignment makes no change in the situation. It does China no good.

What possible motive can there be for a reservation which effects nothing? Is there any doubt that Japan has possession? Is there any doubt that the other nations which are parties to this treaty have assented to it? Is there any claim that our refusal to give our assent to Germany's transfer is to be of any value to China? If we were to attempt to benefit China, the proper stand for us to take would be a declaration that we propose to hold Japan to the promises which she has made by her representatives, first in Paris and later from a number of other sources, that it was her intention to turn this property over to China at some time in the future. The exact time has not been named, but I believe the Senator from North Dakota [Mr. McCUMBER] has demonstrated pretty well in his remarks made in the Senate heretofore that if we accepted the restrictive provisions of the Japanese promises we would have a hold upon Japan that would enable us in the future to bring pressure to bear on Japan to compel her to carry out her promises. If we, however, refuse assent to this assignment, we have no hold on Japan; there would then be no consideration for the promises which Japan made to the United States to secure our assent.

In my opinion, in making this reservation we not only do an idle thing which can be of no possible benefit to China or any other country, but we relinquish whatever hold we had on Japan as the result of the promises which were wrung from her in consideration of having that section put into the treaty.

I merely want to have the situation understood. I propose to vote for the amendment and then against the reservation.

Mr. LODGE. Mr. President, I will tell the Senator from Nebraska what this reservation does. I regard it as doing something of very great importance. It relieves the United States from being an active and assenting participant in that which a majority of the Senate and a vast majority of the American people consider an infamy and a crime. That is what this reservation that the Senate agreed to by a large majority means.

I am not going to go back and argue the whole Shantung question. I argued it in the summer to the best of my ability, and it was most thoroughly discussed by the senior Senator from Nebraska, and has been dealt with as fully as possible. I do not want to delay a decision by debate. The change that was made was the modification suggested in the bipartisan conference, and I understood it, and we all understood it, as the desire of the Democrats who took part in that conference.

Mr. REED. Before the Senator takes his seat let me ask what is the object in striking out those words?

Mr. LODGE. The object is simply because it was thought to be more civil not to mention Japan by name.

Mr. REED. It does not change the meaning?

Mr. LODGE. Not one iota.

Mr. REED. I am led to this thought by the remarks of the Senator from Nebraska. He stated that Japan has promised or has given a qualified promise to turn this property back; and he also indicated, if I understood him correctly, that he thought if we took the proper position we might have some influence in bringing about that very much-to-be-desired result. Would the Senator from Nebraska support an amendment to the Lodge reservation stating, in substance, this: "The United States understands that the Government of Japan has agreed to and will transfer these properties to China?"

Mr. HITCHCOCK. Yes, Mr. President; I should be glad to support such a suggestion, and I believe it would yield a great deal more protection to China than the pending reservation, which does nothing at all of benefit to China.

Mr. REED. Mr. President, I am encouraged. I wish the Senator would offer such a reservation; but if he will not offer it, I shall myself be obliged to do so.

Mr. KING. Mr. President, I did not hear all of the interrogation of the Senator from Missouri; but permit me to ask whether the reservation which I have offered—I do not read it textually—does not meet the suggestion which he made:

The United States understands that the German rights and interests renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty are to be returned by Japan to China within a reasonable time after the adoption of said treaty, as provided in the exchanged notes between the Japanese and Chinese Governments under date of May 25, 1915.

Mr. LODGE. Mr. President, if the Senator from Missouri will allow me just a moment, the Senator from Utah misapprehends the purpose of this reservation. As originally adopted



by the Senate it was not to express any understandings about what Japan meant or what anybody else meant; but it was to put on record the refusal of the United States to assent to the deal by which Shantung was going to be handed over to Japan.

Mr. KING. I think I understood the purpose of it; but it seemed to me that the Senator from Missouri, if I understood him aright, was willing to approve of a reservation which expressed the view that in assenting to the treaty with respect to this matter it was with the understanding that these possessions were to be transferred, or retransferred, to use his expression, by Japan to China.

Mr. REED. I am not sure, Mr. President, that I understand the Senator from Utah or that he quite understands me. The proposition I make is that we allow the Lodge reservation to stand as it is, the United States refusing to become a party to the transaction, but adding to the Lodge reservation language similar to that read by the Senator from Utah.

Mr. HITCHCOCK. Mr. President, I wish to call the Senator's attention to the defect of such a proposition. We can not at the same time hold Japan to a promise given in consideration of these articles and refuse to assent to the articles.

Mr. REED. Oh, yes.

Mr. HITCHCOCK. We assent to the articles in consideration of the promise, and then we shall have a hold on Japan. The reason that Japan was willing to give us the promise was in order to secure the assent of the United States to the articles. Now, if we refuse the assent we can not hold her to the promise.

Mr. REED. The Senator from Nebraska says the reason Japan was willing to give the promise was in order to gain our assent. Where is the evidence of that? Where has Japan evidenced that?

Mr. HITCHCOCK. I have it not at hand, but the Senator from North Dakota [Mr. McCUMBER] has repeatedly put it into the Record in speeches made by him. I think he demonstrated beyond a doubt that the representatives of Japan in Paris offered the President of the United States, as an inducement to agree to these articles, that they would promptly turn over the property to China after the ratification of the treaty.

Mr. REED. No, Mr. President, I do not know of any such evidence as that. I heard some of the speeches of the Senator from North Dakota, and I do not think he arrived at that point, except by a very strong draft on the imagination as to what Japan might or might not do. Now, I put it to the Senator from Nebraska—and it is possible that his mind and mine might come to an agreement on one thing—

Mr. HITCHCOCK. If the Senator will permit an interruption here, I should like to read him the reservation which the Senator from North Dakota presented. It read as follows:

5. That in advising and consenting to the ratification of said treaty the United States understands that the German rights and interests, renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, are to be returned by Japan to China at the termination of the present war by the adoption of this treaty as provided in the exchanged notes between the Japanese and Chinese Governments of date May 25, 1915.

Mr. President, there is some objection—and I explained that to the Senator from North Dakota—to mentioning the notes exchanged between the Chinese and the Japanese Governments, for this reason: Those notes are claimed by Japan to constitute a treaty, and the State Department of the United States has served notice upon Japan that it would not recognize that treaty. So I doubt whether it would be wise for the Senate of the United States in this formal way to recognize it. It seems to me it would be much better for the reservation to read something like this:

5. That in advising and consenting to the ratification of said treaty the United States understands that the German rights and interests, renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, are to be returned by Japan to China at the termination of the present war by the adoption of this treaty, as repeatedly represented and promised by the representatives of Japan in China and elsewhere.

Mr. BORAH. Why not stop with the words "are to be returned by Japan to China"? That makes a complete statement.

The moment you go into the question of the exchange of notes, and so forth, you get into the modifications and differences of understanding, not only between Japan and China but even between the President of the United States and the representatives of Japan.

Mr. HITCHCOCK. I should not have any objection to that; that would be something substantial for the benefit of China; but, Mr. President, the pending reservation is of no benefit to China. Japan is in possession; Germany has no title. We are here protesting against something that has already occurred; it is an accomplished fact. It is of no benefit to China unless we are going to back up our protestations by active means.

Mr. REED. Mr. President, the difference between the Senator from Nebraska and myself is this: He proposes first to

ratify, confirm, and assent to the transfer of Shantung to Japan, and thus drive the United States actively to participate in that transfer. He then proposes to rely upon a statement by the United States that it understands that Japan will return these properties. I am not willing that the United States shall assent to, ratify, and confirm this ravishment of China. I am unwilling that we shall do that even for a moment.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Wisconsin?

Mr. REED. I should like to finish the statement, and then I will yield. But what we can do, if we wish to do it, is to say, as the Lodge reservation says, that the United States withholds its assent to that transfer, and, in addition, that it understands Japan has agreed to turn this property back, and that the United States proposes, so far as it can by a mere reservation of this kind, to indicate that understanding of the United States and place it solemnly of record. There is nothing inconsistent about that, and that is the course I hope the Senator from Nebraska will consent to follow; that is, to allow the Lodge reservation to stand, by which we wash our hands of any complicity in this crime, at the same time expressing our judgment and insistence that this alleged contract shall be carried out.

Now, just one word further: The Senator has referred to statements made by the Japanese representatives at the peace conference and elsewhere; but the trouble is that Japan has never officially made a binding representation upon this question—never in the world. Certain Japanese statesmen are now alleged to have said certain things, to have given certain interviews, but that does not bind Japan. It would be quite a different question if the Japanese Government bound itself to return this property by a solemn engagement, and the only way that could properly be done would have been for them to have added to articles 156, 157, and 158 some such words as these: "Japan hereby solemnly pledges herself to return these properties to China, and to do so within a fixed period or a reasonable period of time." I now yield to the Senator from Wisconsin.

Mr. LENROOT. Mr. President, I should like to call the attention of the Senator to the fact that if the resolution now proposed by the Senator from Nebraska should be adopted it would be based upon something that is not true, because it is not claimed that any Japanese statesman at the peace conference ever made a promise that all of the property and all of the rights in Shantung obtained from Germany would be turned over to China. It was only the sovereignty that was in question; the economic rights, President Wilson understood as a part of the agreement, would be retained by Japan.

Mr. REED. Just at this point—and when I have made this observation I shall take my seat—I recently heard an address by a gentleman who had been sent by trade organizations, entirely nonpolitical in their character, to investigate conditions in Shantung. He asserted that the Japanese were practically excluding from the trade of Shantung the business of all other countries except Japan; that while upon the face of affairs it appeared that all nationals had equal rights, the Japanese, being in control of the instrumentalities of commerce and in general control of the country, were able to place the nationals of other countries at such disadvantage that their trade was being taken away from them. He illustrated the condition by a statement of fact, which was that when a Chinese merchant ordered goods, if he ordered them from a Japanese citizen he could get an immediate delivery over the railroad, but if he ordered from an American or an Englishman, for some reason or other cars could not be obtained or cars were delayed and the deliveries were held up. He earnestly insisted that unless we did something at once the trade of that country would be lost. So we have a very serious interest in this matter aside from any idealistic interest or concern. I take it, however, that the Senator from Nebraska and I can not agree, because he is not willing to have the Lodge reservation stand and add as an amendment the proposition made by me.

Mr. HITCHCOCK. Mr. President, I wish to call the attention of the Senator from Missouri to what the Senator from North Dakota [Mr. McCUMBER] said regarding this particular reservation. I have quoted the Senator from North Dakota as being opposed to that particular reservation, and he states his reasons here in an address delivered in the Senate on August 26, in which he said:

Mr. President, on last Saturday, three days ago, the Committee on Foreign Relations, by a majority of one, voted an amendment to articles 156—

That was regarding an amendment. I am mistaken. The speech did not refer to the reservation; it refers to the amendment.



Mr. REED. Of course, the speech of the Senator from North Dakota might be illuminating, but I want some documentary proof that Japan had agreed to turn this property back to China.

Mr. KELLOGG. Mr. President, all I desire to say about this amendment is this: The Democratic members of the bipartisan conference proposed an amendment to the Shantung reservation striking out the words "between the Republic of China and the Empire of Japan." All of the Republican members assented to it, and agreed to recommend it to their associates in the Senate. Now, if Senators on the other side wish to carry that understanding out and to have the reservation amended as the bipartisan conference agreed, well and good. I am willing to vote for every single amendment that was agreed to in that conference; but if, after voting this amendment in, they undertake then to defeat the reservation entirely, I shall certainly reserve to myself what action I will take on the remainder of them. I want the Senate to understand the situation and the country to understand it. If they wish to carry out in absolute good faith the understanding in regard to amendments, well and good; I am willing to vote for every one of them.

I shall not go into the Shantung question again. The reservation on that subject was adopted because, as I remember, not a single Senator stood upon this floor and defended the Shantung deal, and I believe that scarcely anyone in the country defended it, if anyone. The President himself did not defend it; and I, for one, shall refuse to vote to place the stamp of approval of the United States Senate upon it.

Mr. THOMAS. Mr. President, the subject matter of this reservation originally crystallized itself into an amendment proposed by the Committee on Foreign Relations which substituted "the Republic of China" for "the Empire of Japan" wherever the name of the latter occurred in articles 156, 157, and 158. That amendment was rejected, and I think properly so, by the Senate. I voted against its acceptance because I regarded the subject matter as beyond our power to dispose of. Japan's possession of Shantung was obtained by force of arms prior to our entry into the war; and some time afterward, by secret treaties between herself and the Allies, she was guaranteed possession and title to all that Germany had in that Province in the event the Allies were successful in the then existing war, and articles 156, 157, and 158 are the embodiment of those secret treaties in the treaty now under consideration.

As the Senator from Minnesota [Mr. KELLOGG] has well said, nobody has defended this part of the treaty. It has been condoned, it has been explained, it has been palliated, but in America it has not been justified or championed by anyone. Hence, for the United States to attempt to amend the treaty by assuming to dispose of Shantung, not to Japan but to China, was to identify ourselves with the controversy in a manner that in my judgment was not warranted by our position.

The reservation avoids that objection completely, and merely declares that we withhold our assent to these articles, which, of course, means that we wash our hands entirely of the controversy. If Great Britain, France, and Italy, bound by their secret treaties with Japan with which we had not identification, feel obligated to stand by and carry out their provisions, they have a perfect right to do so. To ask us to take sides in any way is, in my judgment, premature.

So this reservation addressed itself with peculiar force to my judgment. I think it is the proper method of disposition of the matter, so far as we are concerned, and I can not but regard the motion to strike out all after the word "articles," in the eleventh line of page 3, as an improvement upon the reservation as it was originally adopted.

Mr. KELLOGG. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. THOMAS. I do.

Mr. KELLOGG. Did I understand the Senator to say that he thinks the proposed amendment of the reservation is an improvement?

Mr. THOMAS. Yes; I think it is an improvement. As stated by the Senator from Massachusetts [Mr. LODGE], it eliminates all mention of Japan, and I am glad to see that; but it also gives us full liberty of action with reference to any controversy which may arise under the articles, although other powers than China and Japan might become involved. In other words, it gives us full liberty, not only as regards the Republic of China and the Empire of Japan, but as regards all aspects of controversy which may be developed in the course of time regarding this important question.

I shall, therefore, support the motion to strike out, and I shall also support the reservation.

Mr. BORAH. Mr. President, as I understand the Senator, so far as the amendment now before the Senate is concerned, he feels that it constitutes an improvement. The improvement consists merely of the manner of expressing the same thing?

Mr. THOMAS. Yes; but I think it goes a little further. As the reservation was originally framed, we reserved full liberty of action with respect to any controversy that might arise between those two countries. That probably is broad enough to refer to all controversies, but there may be controversies regarding it growing out of the treaty relations between the Allies and Japan or between them and China. Hence, I think it is an improvement not only with regard to the elimination of all reference to Japan and China, but also as to the elimination of any possible restriction upon our liberty of action in the future.

Mr. LENROOT. Mr. President, just a word regarding the tentative agreement that was reached.

While it is true that such an agreement was reached, it is only fair to say that all of those agreements were considered as tentative only, and not binding upon any of the parties. It is true that the Senator from Nebraska [Mr. HITCHCOCK] then was entirely willing to accept this reservation if the modification that is now pending was adopted; but it must be remembered that at that time the Senator from Nebraska was engaged, with others, in an endeavor to come to some agreement for the ratification of the treaty, and his changed attitude is very easily explained when we realize that now the Senator from Nebraska is making no effort to secure a ratification of the treaty, but his efforts are altogether along the line, in conjunction with the irreconcilables, of defeating it. So now the Senator from Nebraska says that although this amendment be adopted he will vote against the reservation, and he gives as his reason that the adoption of the reservation could do no possible good to China, or in any wise affect the situation.

Mr. President, I hold in my hand an article written by Prof. John Dewey, of Columbia University, who is now in China, and whose article entitled "Shantung, as seen from within," appears in the current number of the New Republic. I wish to quote one paragraph from that article in reply to the Senator from Nebraska. He says:

Whatever the motives of the American Senators in completely disassociating the United States from the peace settlement as regards China, their action is a permanent asset to China, not only in respect to Japan, but with respect to all Chinese foreign relations. Just before our visit to Tsinan, the Shantung provincial assembly had passed a resolution of thanks to the American Senate. More significant is the fact that they passed another resolution to be cabled to the English Parliament, calling attention to the action of the American Senate and inviting similar action. China in general, and Shantung in particular, feels the reinforcement of an external approval. With this duplication, its national consciousness has, as it were, solidified. Japan is simply the first object to be affected.

It seems to me that is a complete answer to the statement of the Senator from Nebraska [Mr. HITCHCOCK]; and because this article is so full of information in regard to the Shantung situation down to the present date, I ask unanimous consent that it may be inserted in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[From the New Republic, Mar. 3, 1920.]

SHANTUNG, AS SEEN FROM WITHIN.

I.

"American apologists for that part of the peace treaty which relates to China have the advantage of the illusions of distance. Most of the arguments seem strange to anyone who lives in China even for a few months. He finds the Japanese on the spot using the old saying about territory consecrated by treasure spent and blood shed. He reads in Japanese papers and hears from moderately liberal Japanese that Japan must protect China as well as Japan against herself, against her own weak or corrupt Government, by keeping control of Shantung to prevent China from again alienating that territory to some other power.

"The history of European aggression in China gives this argument great force among the Japanese, who for the most part know nothing more about what actually goes on in China than they used to know about Korean conditions. These considerations, together with the immense expectations raised among the Japanese during the war concerning their coming domination of the Far East and the unswerving demand of excited public opinion in Japan during the Versailles conference for the settlement that actually resulted, give an ironic turn to the statement so often made that Japan may be trusted



to carry out her promises. Yes; one is often tempted to say that is precisely what China fears, that Japan will carry out her promises, for then China is doomed. To one who knows the history of foreign aggression in China, especially the technique of conquest by railway and finance, the irony of promising to keep economic rights while returning sovereignty lies so on the surface that it is hardly irony. China might as well be offered Kant's Critique of Pure Reason on a silver platter as sovereignty under such conditions. The latter is equally metaphysical.

"A visit to Shantung and a short residence in its capital city, Tsinan, made the conclusions which, so far as I know, every foreigner in China has arrived at, a living thing. It gave a vivid picture of the many and intimate ways in which economic and political rights are inextricably entangled together. It made one realize afresh that only a President who kept himself innocent of any knowledge of secret treaties during the war could be naïve enough to believe that the promise to return complete sovereignty, retaining only economic rights, is a satisfactory solution. It threw fresh light upon the contention that at most and at worst Japan had only taken over German rights, and that since we had acquiesced in the latter's arrogations we had no call to make a fuss about Japan. It revealed the hollowness of the claim that pro-Chinese propaganda had willfully misled Americans into confusing the few hundred square miles around the port of Tsingtau with the Province of Shantung with its 30,000,000 of Chinese population.

"As for the comparison of Germany and Japan, one might suppose that the objects for which America nominally entered the war had made, in any case, a difference. But, aside from this consideration, the Germans exclusively employed Chinese in the railway shops and for all minor positions on the railway itself. The railway guards (the difference between police and soldiers is nominal in China) were all Chinese, the Germans merely training them. As soon as Japan invaded Shantung and took over the railway, Chinese workmen and Chinese military guards were at once dismissed and Japanese imported to take their places. Tsinan, the inland terminus of the ex-German railway, is over 200 miles from Tsingtau. When the Japanese took over the German railway business office they at once built barracks, and to-day there are several hundred soldiers still there, where Germany kept none. Since the armistice, even, Japan has erected a powerful military wireless within the grounds of the garrison, against, of course, the unavailing protest of Chinese authorities. No foreigner can be found who will state that Germany used her ownership of port and railway to discriminate against other nations. No Chinese can be found who will claim that this ownership was used to force the Chinese out of business or to extend German economic rights beyond those definitely assigned her by treaty. Common sense should also teach even the highest-paid propagandist in America that there is, from the standpoint of China, an immense distinction between a national menace located halfway around the globe and one within two days' sail over an inland sea absolutely controlled by a foreign navy, especially as the remote Nation has no other foothold and the near-by one already dominates additional territory of enormous strategic and economic value, namely, Manchuria.

"These facts bear upon the shadowy distinction between the Tsingtau and the Shantung claim, as well as upon the solid distinction between German and Japanese occupancy. If there still seemed to be a thin wall between Japanese possession of the port of Tsingtau and usurpation of Shantung, it was enough to stop off the train in Tsinan to see the wall crumble, for the Japanese wireless and the barracks of the army of occupation are the first things that greet your eyes.

"Within a few hundred feet of the railway that connects Shanghai, via the important center of Tientsin, with the capital Peking, you see Japanese soldiers on the nominally Chinese street, guarding their barracks. Then you learn that if you travel upon the ex-German railway toward Tsingtau, you are ordered to show your passport as if you were entering a foreign country. And as you travel along the road (remembering that you are over 200 miles from Tsingtau) you find Japanese soldiers at every station, and several garrisons and barracks at important towns on the line. Then you realize that at the shortest possible notice, Japan could cut all communications between southern China (together with the rich Yangtz region) and the capital, and with the aid of the Southern Manchurian Railway at the north of the capital, hold the entire coast and descend at its good pleasure upon Peking.

"You are then prepared to learn from eyewitnesses that when Japan made its 21 demands upon China, machine guns were actually in position at strategic points throughout Shan-

tung, with trenches dug and sandbags placed. You know that the Japanese liberal spoke the truth, who told you, after a visit to China and return to protest against the action of his Government, that the Japanese already had such a military hold upon China that they could control the country within a week, after a minimum of fighting, if war should arise. You also realize the efficiency of official control of information and domestic propaganda as you recall that he also told you that these things were true at the time of his visit, under the Terauchi cabinet, but had been completely reversed by the present Hara ministry. For I have yet to find a single foreigner or Chinese who is conscious of any difference of policy, save as the end of the war has forced the necessity of more caution, since other nations can now look Chinaward as they could not during the war.

"An American can get an idea of the realities of the present situation if he imagines a foreign garrison and military wireless in Wilmington, with a railway from that point to a fortified seaport controlled by the foreign power, at which the foreign nation can land, without resistance, troops as fast as they can be transported, and with bases of supply, munitions, food, uniforms, etc., already located at Wilmington, at the seaport, and several places along the line. Reverse the directions from south to north, and Wilmington will stand for Tsinan, Shanghai for New York, Nanking for Philadelphia with Peking standing for the seat of government at Washington, and Tientsin for Baltimore.

"Suppose in addition that the Pennsylvania Road is the sole means of communication between Washington and the chief commercial and industrial centers, and you have the framework of the Shantung picture as it presents itself daily to the inhabitants of China. Upon second thought, however, the parallel is not quite accurate. You have to add that the same foreign nation controls also all coast communications from, say, Raleigh southwards, with railway lines both to the near-by coast and to New Orleans. For—still reversing directions—this corresponds to the position of Imperial Japan in Manchuria with its railways to Dairen and through Korea to a port 12 hours' sail from a great military center in Japan proper. These are not remote possibilities nor vague prognostications. They are accomplished facts.

"Yet the facts give only the framework of the picture. What is actually going on with Shantung? One of the demands of the 'postponed' group of the 21 demands was that Japan should supply military and police advisers to China. They are not so much postponed but that Japan enforced specific concessions from China during the war by diplomatic threats to reintroduce their discussion, or so postponed that Japanese advisers are not already installed in the police headquarters of the city of Tsinan, the capital city of Shantung of 300,000 population, where the provincial assembly meets and all the provincial officials reside. Within recent months the Japanese consul has taken a company of armed soldiers with him when he visited the provincial governor to make certain demands upon him, the visit being punctuated by an ostentatious surrounding of the governor's yamen by these troops. Within the past few weeks 200 cavalry came to Tsinan and remained there while Japanese officials demanded of the governor drastic measures to suppress the boycott, while it was threatened to send Japanese troops to police the foreign settlement if the demand was not heeded.

"A former consul was indiscreet enough to put into writing that if the Chinese governor did not stop the boycott and the students' movement by force, if need be, he would take matters into his own hands. The chief tangible charge he brought against the Chinese as a basis of his demand for 'protection' was that Chinese storekeepers actually refused to accept Japanese money in payment for goods, not ordinary Japanese money at that, but the military notes with which, so as to save drain upon the bullion reserves, the army of occupation is paid. And all this, be it remembered, is more than 200 miles from Tsingtau and from eight to twelve months after the armistice. To-day's paper reports a visit of Japanese to the governor to inform him that unless he should prevent a private theatrical performance from being given in Tsinan by the students, they would send their own forces into the settlement to protect themselves. And the utmost they might need protection from was that the students were to give some plays designed to foster the boycott.

"Japanese troops overran the province before they made any serious attempt to capture Tsingtau. It is only a slight exaggeration to say that they 'took' the Chinese Tsinan before they took the German Tsingtau. Propaganda in America has justified this act on the ground that a German railway to the rear of Japanese forces would have been a menace. As there were no



troops, but only legal and diplomatic papers with which to attack the Japanese, it is a fair inference that the 'menace' was located in Versailles rather than in Shantung, and concerned the danger of Chinese control of their own territory. Chinese have been arrested by Japanese gendarmes in Tsinan and subjected to a torturing third degree of the kind that Korea has made sickeningly familiar. The Japanese claim that the injuries were received while the men were resisting arrest. Considering that there was no more legal ground for arrest than there would be if Japanese police arrested Americans in New York, almost anybody but the pacifist Chinese certainly would have resisted. But official hospital reports testify to bayonet wounds and the marks of flogging. In the interior where the Japanese had been disconcerted by the student propaganda they raided a high school, seized a schoolboy at random, and took him to a distant point and kept him locked up several days. When the Japanese consul at Tsinan was visited by Chinese officials in protest against these illegal arrests, the consul disclaimed all jurisdiction. The matter, he said, was wholly in the hands of the military authorities in Tsingtau. His disclaimer was emphasized by the fact that some of the kidnaped Chinese were taken to Tsingtau for 'trial.'

"The matter of economic rights in relation to political domination will be discussed in part 2 of this article. It is no pleasure for one with many warm friends in Japan, who has a great admiration for the Japanese people as distinct from the ruling military and bureaucratic class, to report such facts as have been stated. One might almost say, one might positively say from the standpoint of Japan itself, that the worst thing that can be charged against the policy of Japan in China for the last six years is its immeasurable stupidity.

"No nation has ever misjudged the national psychology of another people as Japan has that of China. The alienation of China is widespread, deep, bitter. Even the most pessimistic of the Chinese who think that China is to undergo a complete economic and political domination by Japan do not think it can possibly last, even without outside intervention, more than half a century at most.

"To-day, at the beginning of a new year, the boycott is much more complete and efficient than in the most tense days of last summer. Unfortunately, the Japanese policy seems to be under a truly Greek fate which drives it on. Concessions that would have produced a revulsion of feeling in favor of Japan a year ago will now merely salve the surface of the wound. What would have been welcomed even eight months ago would now be received with contempt. There is but one way in which Japan can now restore herself. It is nothing less than complete withdrawal from Shantung, with possibly a strictly commercial concession at Tsingtau and a real, not a Manchurian, open door.

"According to the Japanese-owned newspapers published in Tsinan, the Japanese military commander in Tsingtau recently made a speech to visiting journalists from Tokyo in which he said: 'The suspicions of China can not now be allayed merely by repeating that we have no territorial ambitions in China. We must attain complete economic domination of the Far East. But if Sino-Japanese relations do not improve, some third party will reap the benefit. Japanese residing in China incur the hatred of the Chinese. For they regard themselves as the proud citizens of a conquering country. When the Japanese go into partnership with the Chinese they manage in the greater number of cases to have the profits accrue to themselves. If friendship between China and Japan is to depend wholly upon the Government it will come to nothing. Diplomats, soldiers, merchants, journalists should repent the past. The change must be complete.' But it will not be complete until the Japanese withdraw from Shantung leaving their nationals there upon the footing of other foreigners in China.

## II.

"In discussing the return to China by Japan of a metaphysical sovereignty while economic rights are retained, I shall not repeat the details of German treaty rights as to the railway and the mines. The reader is assumed to be familiar with those facts. The German seizure was outrageous. It was a flagrant case of might making right. As Von Buelow cynically but frankly told the Reichstag, while Germany did not intend to partition China she also did not intend to be the passenger left behind in the station when the train started.

"Germany had the excuse of prior European aggressions, and in turn her usurpation was the precedent for further foreign rape. If judgments are made on a comparative basis, Japan is entitled to all of the whitewashing that can be derived from the provocations of European imperialistic powers, including those that in domestic policy are democratic. And every fair-minded person will recognize that, leaving China out of the reckoning, Japan's proximity to China gives her aggressions

the color of self-defense in a way that can not be urged in behalf of any European power.

"It is possible to look at European aggressions in, say, Africa as incidents of a colonization movement. But no foreign policy in Asia can shelter itself behind any colonization plea. For continental Asia is, for practical purposes, India and China, representing two of the oldest civilizations of the globe and presenting two of its densest populations. If there is any such thing in truth as a philosophy of history, with its own inner and inevitable logic, one may well shudder to think of what the closing acts of the drama of the intercourse of the West and East are to be. In any case, and with whatever comfort may be derived from the fact that the American continents have not taken part in the aggression, and hence may act as a mediator to avert the final tragedy, residence in China forces upon one the realization that Asia is after all a large figure in the future reckoning of history. Asia is really here after all. It is not simply a symbol in western algebraic balances of trade. And in the future, so to speak, it is going to be even more here, with its awakened national consciousness of about half the population of the whole globe.

"Let the agreements of France and Great Britain made with Japan during the war stand for the measure of western consciousness of the reality of a small part of Asia, a consciousness generated by the patriotism of Japan backed by its powerful army and navy. The same agreement measures western unconsciousness of the reality of that part of Asia which lies within the confines of China. An even better measure of western unconsciousness may be found perhaps in such a trifling incident as this: An English friend long resident in Shantung told me of writing indignantly home concerning the British part in the Shantung settlement. The reply came, complacently stating that Japanese ships did so much in the war that the Allies could not properly refuse to recognize Japan's claims.

"The secret agreements themselves hardly speak as eloquently for the absence of China from the average western consciousness. In saying that China and Asia are to be enormously significant figures in future reckonings, the specter of a military yellow peril is not meant nor even the more credible specter of an industrial yellow peril. But Asia has come to consciousness, and her consciousness of herself will soon be such a massive and persistent thing that it will force itself upon the reluctant consciousness of the west and lie heavily upon its conscience. And for this fact China and the western world are indebted to Japan.

"These remarks are more relevant to a consideration of the relationship of economic and political rights in Shantung than they perhaps seem. For a moment's reflection will call to mind that all political foreign aggression in China has been carried out for commercial and financial ends and usually upon some economic pretext. As to the immediate part played by Japan in bringing about a consciousness which will from the present time completely change the relations of the western powers to China, let one little story testify. Some representatives of an English missionary board were making a tour of inspection through China. They went into an interior town in Shantung. They were received with extraordinary cordiality by the entire population. Some time afterwards some of their accompanying friends returned to the village and were received with equally surprising coldness. It came out upon inquiry that the inhabitants had first been moved by the rumor that these people were sent by the British Government to secure the removal of the Japanese. Later they were moved by indignation that they had been disappointed.

"It takes no forcing to see a symbol in this incident. Part of it stands for the almost incredible ignorance which has rendered China so impotent, nationally speaking. The other part of it stands for the new spirit which has been aroused even among the common people in remote districts. Those who fear, or who pretend to fear, a new Boxer movement, or a definite general antiforeign movement are, I think, mistaken. The new consciousness goes much deeper. Foreign policies that fail to take it into account and that think that relations with China can be conducted upon the old basis will find this new consciousness obtruding in the most unexpected and perplexing ways.

"One might fairly say, still speaking comparatively, that it is part of the bad luck of Japan that her proximity to China, and the opportunity the war gave her to outdo the aggressions of European powers, have made her the first victim of this disconcerting change. Whatever the motives of the American Senators in completely disassociating the United States from the peace settlement as regards China, their action is a permanent asset to China, not only in respect to Japan but with respect to all Chinese foreign relations. Just before our visit to Tsinan the Shantung Provincial Assembly had passed a resolution of thanks to the American Senate. More significant is the fact that they



passed another resolution to be cabled to the English Parliament, calling attention to the action of the American Senate and inviting similar action. China in general and Shantung in particular feels the reinforcement of an external approval. With this duplication, its national consciousness has, as it were, solidified. Japan is simply the first object to be affected.

"The concrete working out of economic rights in Shantung will be illustrated by a single case which will have to stand as typical. Po-shan is an interior mining village. The mines were not part of the German booty; they were Chinese owned. The Germans, whatever their ulterior aims, had made no attempt at dispossessing the Chinese. The mines, however, are at the end of a branch line of the new Japanese-owned railway—owned by the Government, not by a private corporation, and guarded by Japanese soldiers. Of the 40 mines the Japanese have worked their way, in only four years, into all but 4. Different methods are used. The simplest is, of course, discrimination in the use of the railway for shipping. Downright refusal to furnish cars while competitors, who accepted Japanese partners, got them, is one method. Another more elaborate method is to send but one car when a large number is asked for, and then when it is too late to use cars, send the whole number asked for or even more, and then charge a large sum for demurrage in spite of the fact the mine no longer wants them or has canceled the order. Redress there is none.

"Tsinan has no special foreign concessions. It is, however, a 'treaty port' where nationals of all friendly powers can do business. But Po-shan is not even a treaty port. Legally speaking, no foreigner can lease land or carry on any business there. Yet the Japanese have forced a settlement as large in area as the entire foreign settlement in the much larger town in Tsinan. A Chinese refused to lease land where the Japanese wished to relocate their railway station. Nothing happened to him directly. But merchants could not get shipping space or receive goods by rail. Some of them were beaten up by thugs. After a time they used their influence with their compatriot to lease his land.

Immediately the persecutions ceased. Not all the land has been secured by threats or coercion; some has been leased directly by Chinese moved by high prices in spite of the absence of any legal sanction. In addition, the Japanese have obtained control of the electric-light works and some pottery factories, etc.

"Now, even admitting that this is typical of the methods by which the Japanese plant themselves, a natural American reaction would be to say that after all the country is built up industrially by these enterprises, and that though the rights of some individuals may have been violated there is nothing to make a national, much less an international, fuss about. More or less unconsciously we translate foreign incidents into terms of our own experience and environment, and thus miss the entire point. Since America was largely developed by foreign capital, to our own economic benefit and without political encroachments, we lazily suppose some such separation of the economic and political to be possible in China. But it must be remembered that China is not an open country. Foreigners can lease land, carry on business, and manufacture only in accord with express treaty agreements. There are no such agreements in the cases typified by the Po-shan incident. We may profoundly disagree with the closed economic policy of China, or we may believe that under existing circumstances it represents the part of prudence for her. That makes no difference. Given the frequent occurrence of such economic invasions, with the backing of soldiers of the imperial army, with the overt aid of the imperial railway, and with the refusal of imperial officials to intervene, there is clear evidence of the attitude and intention of the Japanese Government in Shantung.

"Because the population of Shantung is directly confronted with an immense amount of just such evidence it can not take seriously the professions of vague diplomatic utterances. What foreign nation is going to intervene to enforce Chinese rights in such a case as Po-shan? Which one is going effectively to call the attention of Japan to such evidences of its failure to carry out its promise? Yet the accumulation of precisely such seemingly petty incidents, and not any single dramatic great wrong, will secure Japan's economic and political domination of Shantung. It is for this reason that foreigners resident in Shantung, no matter in what part, say that they see no sign whatever that Japan is going to get out; that, on the contrary, everything points to a determination to consolidate her position. How long ago was the Portsmouth treaty signed and what were its nominal pledges about evacuation of Manchurian territory?

"Not a month will pass without something happening which will give a pretext for delay and for making the surrender of Shantung conditional upon this, that, and the other thing. Meantime the penetration of Shantung by means of railway discrimination, railway military guards, continual nibblings here

and there will be going on. It would make the chapter too long to speak of the part played by manipulation of finance in achieving this process of attrition of sovereignty. Two incidents must suffice. During the war Japanese traders with the connivance of their Government gathered up immense amounts of copper cash from Shantung and shipped it to Japan against the protests of the Chinese Government. What does sovereignty amount to when a country can not control even its own currency system? In Manchuria the Japanese have forced the introduction of several hundred million dollars of paper currency, nominally, of course, based on a gold reserve. These notes are redeemable, however, only in Japan proper. And there is a law in Japan forbidding the exportation of gold. And there you are.

"Japan itself has recently afforded an object lesson in the actual connection of economic and political rights in China. It is so beautifully complete a demonstration that it was surely unconscious. Within the last two weeks Mr. Obata, the Japanese minister in Peking, has waited upon the Government with a memorandum saying that the Foochow incident was the culminating result of the boycott; that if the boycott continues a series of such incidents is to be apprehended, saying that the situation has become 'intolerable' for Japan and disavowing all responsibility for further consequences unless the Government makes a serious effort to stop the boycott. Japan then immediately makes certain specific demands. China must stop the circulation of handbills, the holding of meetings to urge the boycott, the destruction of Japanese goods that have become Chinese property—none have been destroyed that are Japanese owned. Volumes could not say more as to the real conception of Japan of the connection between the economic and the political relations of the two countries. Surely the pale ghost of 'sovereignty' smiled ironically as he read this official note. President Wilson, after having made in the case of Shantung a sharp and complete separation of economic and political rights, also said that a nation boycotted is within sight of surrender. Disassociation of words from acts has gone so far in his case that he will hardly be able to see the meaning of Mr. Obata's communication. The American sense of humor and fair play may, however, be counted upon to get its point.

"JOHN DEWEY.

"PEKING, January 5, 1920."

Mr. NORRIS. Mr. President, I have so often and at such length addressed the Senate on the subject that is now before it that it would be cruel for me to impose myself further upon the Senate on this subject. I had not intended to say anything; but since there has been so much discussion upon it, I can not leave the subject without making just a few further remarks.

It seems that some Senators on this side and some Senators on the other side, including my colleague [Mr. HITCHCOCK], the leader on the other side, have been having various conferences—I presume, like the Versailles conference, they were secret conferences; they could not well be otherwise, having such a noble example just before them—with a view of reaching an agreement on some of these reservations. It appears now, from what Senators say on the floor of the Senate, that the leader on the other side has lost his spirit, and is not carrying out in good faith some of these secret agreements. I can only say to the Senators on this side that they ought to reread the story of "Old Dog Tray."

It is now contended that while the pending amendment, striking out a few words, ought to be adopted, the reservation itself ought to be rejected; and the reason given by my colleague, the leader on the administration side of this contest, is that it ought to be rejected because it does not help China.

China has a new recruit, a new friend coming to her defense. Nobody knows better than China that she is praying her god that she will not have many such friends. A great many things have been done in the history of the world against China, but certainly I hope that after she has been so many times afflicted she will not be persecuted by having added to her torments much of that kind of friendship.

Personally, I do not care very much whether the pending amendment is agreed to or not. It will not change the reservation. I believe the reservation has considerable merit in it and will do considerable good of a moral nature. It does not satisfy me. This new friendship for China, if it had existed when we had the treaty under consideration before, would perhaps have gotten some votes for the amendment that struck out of the treaty these most disreputable and, in my judgment, dishonorable articles.

I am going to vote for this reservation, as I did before, Mr. President, not because I am satisfied with it, not because I think it does what we ought to do, but because I would rather have half a loaf than no bread.



China was one of our allies. Her loyalty has never been questioned. You can not say that of another ally that is getting the major portion of the graft in this treaty. You can not say that, in other words, of the Empire of Japan. She fought valiantly until she got what she wanted, and that was about the end of her sacrifices. But, be that as it may, no one has questioned the loyalty of China. No one has questioned the fact that China went into the war mainly because the American Government went into the war. She was our friend; she was one of the Allies; she did everything that was asked of her. She lost more than 100,000 of her citizens on the battle field. She was practically denied admission to the peace conference, where her own throat was cut and where by these articles in the treaty everything that was sacred and dear to her was taken away from her and given to her worst enemy. In all the history of the world there is not, in my judgment, a more shameful treatment of a friend and ally than is this instance of China as she is treated in this treaty. We ought, it seems to me, to reject the treaty until all the possessions of the former German Empire in China are restored to China.

It is said here this morning that Japan already has possession. That is true. We have possession of some of the German Empire now. Our soldiers are encamped along the Rhine. We took on the battle field parts of Alsace and Lorraine at the sacrifice of American lives and American blood. Did anybody ever say in behalf of America that we would retain possession of what we had gained on the battle field against the common enemy until we were ready to turn it over to somebody else?

Mr. President, we are saying by these reservations that whilst our ally and our friend and the ally and friend of the balance of the Allies, our brethren in this war, are mistreated, their territory and their nationality and millions of their people in effect taken away and turned over to their ancient and present enemy, we wash our hands of it. I concede that that is better than to affirmatively participate in it, but that is what we are saying by this reservation. I think we are going back on our own ally, and doing it when, in my judgment—and I think the evidence before the Foreign Relations Committee disclosed it—it is absolutely unnecessary for us to do it. We could just as well have protected the rights of China at the Versailles conference, or even here, if we had taken the right step, as we could pass the reservation which I presume we are going to adopt.

Something was said yesterday about what Japan is doing now. Something was said to-day about her promise to return Shantung and the balance of this property to China. She has never officially promised to return it, and everybody knows that she will not return it except on conditions that she fixes and that are satisfactory to her. If she wants to return it in good faith, she ought to have been out of it long ago. If she was acting in good faith in her promise to return it made at Versailles and that incidentally and unofficially has been made since by some of her statesmen, why does she not pack up again and go home? That is all she has to do. Everybody is willing that she should go. No one is holding her back.

But, Mr. President, referring to what the Senator from Idaho [Mr. BORAH] said as to what is going on there now since the armistice, it is the same as is going on in Korea, and she has pursued absolutely the same course in China that she has in Korea. Some of the evidence that I gave to the Senate at the time the treaty was up before I secured in person from a missionary who had come over here from that country. After he had given me this information, after I had presented it to the Senate, he returned to China and Korea and a week or two ago came back to this country again and he is in the city of Washington now. He told me when he came back that this profession that a change was taking place was without any truth. He told me in person that he had talked with the representative of the Japanese Government who has charge now of Korea. It has been stated and published to the world that floggings were going to cease over there. He told me there was nothing in it. He had just come from there, where he had seen the victims of the floggings that were going on now. He talked with this Japanese official and asked him why it was that they were still flogging people and the Japanese official gave him this reason for it: He said, "We are going to cease punishment of the people after a while, but we can not do it now, because all the prisons are full, and when we arrest people or they are charged with a crime we have no place to put them, and hence we flog them and let them go, if they are able to go." He said, "Just as soon as the Japanese Government can take the necessary action we are going to build a lot more prisons and then we will put people in prison instead of flogging them."

Think of it, Mr. President, every prison filled with people; not people who have been guilty of a crime, thousands of cases where no charge has ever been lodged against them of crime,

incarcerated now, as he says, in prisons overflowing and crowded with men, women, and children, without any provision for sanitation or any other civilized method of caring for them.

I presume this reservation will be agreed to. I hope it will; but, Mr. President, it only partially meets the situation. The time will come, in my judgment, when the future historian writes the history of this country and of the action taken here that those who have favored striking this provision out of the treaty entirely, those who have favored rejecting it unless it is rectified, will be wholly vindicated.

We, with a great many other nations, went into the war, and when the war was over by these reservations, as I look at them, we are saying to the other Allies you can rape China, you can rob her, you can persecute her as much as you want to do, but we will take no hand in it. We ought to say, Mr. President, that this treaty shall never be approved by us until this and a good many other things like it are taken out of it and it is made into a modern, righteous document.

Mr. BORAH. Mr. President, I am not going to reargue the Shantung matter, and I do not propose to detain the Senate longer than a very few moments. I rise principally to put into the RECORD some material which I have relating to this matter and of recent history, all of which relates to incidents and to matters transpiring since the 19th of last November.

I call particular attention, in the first instance, to an article written by ex-Senator Theodore E. Burton, who has just returned from the Orient and is now contributing some articles to the New York Times upon oriental questions. We all know how careful and how conservative the ex-Senator is in making statements. His article is interesting for rather what it suggests than for what it actually states. I read a paragraph or two from it to show the trend of his mind. The heading is "Shantung, a grave threat of China's dismemberment." I do not know of any student of oriental affairs—and when I say student of oriental affairs I mean those who are permitted to study that question upon the ground rather than those of us who are compelled to study it at a distance—who does not now regard Shantung as a first step in the dismemberment of China. That is practically the universal judgment of those who have studied the situation since the Versailles conference put out this treaty. That is evidently the conclusion at which ex-Senator Burton arrives. He says:

If there is an ardent affection in the breast of a Chinaman for any part of his country it is for Shantung.

Then he gives the reasons, reasons with which we are very generally familiar. Further on the ex-Senator says:

Japan has made various promises to surrender the territory involved, but the date and extent of the surrender are pending. \* \* \* Tsingtau is certainly destined to become one of the most important maritime centers in the Far East. In addition to its commercial use it is becoming the most popular seashore resort in China.

The central portion of Shantung Province is so important and its population and resources so considerable that the dominant position of any foreign power here would seriously threaten the dismemberment of China.

It is the practically universal opinion that the control exercised by Japan since the expulsion of the Germans in the autumn of 1914 has been more severe and much more extensive than that of its predecessors.

I will not read the entire article, but simply paragraphs. He says, further:

Last October all conductors, officials at stations, and most of the trainmen were Japanese. In addition, at each of the numerous stations, at average intervals of not more than 2 or 3 miles, there was a guard of Japanese soldiers, fully armed, who stood at attention while the train was at the station platform. The spacious barracks for soldiers which have been constructed or are under construction at many stations certainly look like permanent occupation.

There are only two classes of people in the world who believe that this is not permanent occupation. One of them I will not designate and the others are those who are not familiar with the facts. I read further:

It is impossible to believe that in the face of repeated protestations and promises Japan will seek annexations of territory there; such a course would cause universal disapprobation and might be more injurious to Japan than to China herself.

But will not the jurisdiction left to the Chinese be an empty shell? To use a comparison which was made at home in June: "What would be left of the State of Pennsylvania if a foreign country should be planted in Philadelphia and own the Pennsylvania Railway and the coal mines of the State?"

It is fair to say of Japan that Japan has never promised to return anything but the shell. She has never made any engagement to return the economic rights and interests which she received from Germany. Anyone who will study the assertions attributed to Japan and those which are known to have been made by Japan will conclude that Japan has always protected herself in the fact that she has made no promise of a return which would be anything but a return of an empty shell. When we take into consideration that for the last 15 years Japan has



pursued an intelligent and most adroit and most persistent and most consistent course to the accomplishment of one great end, and now that she has realized it and that she is in possession of that which will dismember China and in possession of it by virtue of a treaty signed and ratified by the great powers of the earth, who supposes for a moment that China will ever receive anything from Shantung which will be of any possible benefit to her whatever?

She will have a political sovereignty which she can not exercise, which will not even be sufficient to enable her to protect her people.

I have an article here from George E. Sokolsky, manager of the China Bureau of Publicity, Shanghai, China, dated October 20. I read a single paragraph:

Japan, as Germany did not do, has been purchasing land in Shantung, although under the Chinese law foreigners may not hold land except in the treaty ports.

Japan, as Germany never did, has been charging a fee to the natives of Shantung for crossing the tracks of the Tsingtau-Tsinan Railroad, which has the practical effect of preventing peasants from farming on their own land in many instances where the tracks run through their land. The economic rights which Japan claims to inherit from Germany in Shantung practically amount to political rights, and because of the loan which the corrupt Peking Government has made of Japan, the latter has practically appointed its own government in the Province of Shantung.

I have an editorial from the Christian Science Monitor, Boston, entitled "What Japan is doing in Shantung." I will not read the entire editorial. It is worth while, however, to read it if anyone is interested in knowing how Japan is redelivering Shantung to China.

After stating that Japan is seizing more firmly her hold upon Shantung, the editorial says:

She is doing it by intrenching herself not only in the German concession but everywhere throughout the peninsula; by securing control of vital railways and mineral rights; by pouring Japanese immigrants into the country; and by carrying on a campaign of dispossession which has never been paralleled, not even by the Germans in Poland or the Hungarians in Transylvania. Lands, stores, garden plots, fisheries, salt works, orchards, to mention only a few instances at random, business of all sorts everywhere have suddenly become Japanese. This has not been done by the crude method of open deprivation. The means adopted are "perfectly legal." A new regulation is introduced. A license is required to carry on business. The cost of the license is fixed at a quite unbearable sum, and, in the event of nonpayment, the property is seized at a nominal figure. "Chinese peasants," declared a citizen of the United States now residing in Shantung in a recent communication to this paper, "who for ages immemorial have made their living from coastal fisheries, have been charged \$200 for these licenses, of course putting them out of business, their places on the fishing grounds being at once usurped by Japanese squatters."

So it goes on, and all the time in every conceivable way, whilst Japan is ostensibly quite scrupulous in her observance of the "open door," all foreign trade in the peninsula is being steadily frozen out.

That is under date of December 22, 1919. "And again Shantung," an editorial January 26, 1920, from the same paper, states that—

There is much more involved in this issue than Shantung, much more, even, than the future of China or of the Far East. It is this that places the Shantung question almost, if not entirely, in a class by itself, and renders any compromise upon it which would involve a betrayal of China really unthinkable. Practically all the other questions before the Senate arising out of the treaty are questions of policy. The Shantung question, whilst it is a question of policy, and of very high policy, is also a question of principle, and upon such a question there can be no compromise.

"The Japanese Government," he says—

Quoting Mr. Hodges, an American citizen—

"has broken faith in practically every political pact she has made with the powers and China and Korea since the Chino-Japanese war of 1894, generally violating the spirit, and frequently the letter, of her international obligations where it was necessary to carry out her aggressions against her eastern neighbors."

Again:

For some time past the Japanese authorities in Shantung have been engaged in a systematic exportation of the Chinese coinage from the peninsula, melting it down, sending it to Japan or elsewhere as bullion, and replacing it by paper money. The result of this manipulation is just what it was intended to be. The tremendous flood of paper money, without the backing of any metal currency, has effectively broken the exchange. The value of the Shantung coinage has dropped to a level where trade with any other country, with the single exception of Japan, is practically impossible. In Japan alone has the Shantung currency its full purchasing power.

Mr. President, it is difficult to discuss questions of this kind without making statements which ought not to be made against a great power like Japan. For myself, I have never entertained any feeling against Japan because of her nationality. The Japanese are a great people, a marvellous people; their progress during the last 50 years, indeed, marks them as one of the greatest peoples that have ever occupied a place in the history of the world; but they are a different people, they have a different civilization, they have a different conception and standard of conduct from ours. Their standard I have no desire to criticize, but from our standpoint we must view the matter as it presents itself to us.

Here is the situation: China has been a friendly nation throughout these years; she has followed with rare confidence and unmistakable fidelity the Government of the United States in practically all its leadership. The American Government has manifested its friendship for China; China has appreciated that friendship; she practically followed us into the recent war; and, in my judgment, there is no fidelity more true, peculiar as the Chinese people are in some respects, than the fidelity of the Chinaman. We are losing the friendship of China to-day for this reason: It does not make any difference how Senators may console themselves with the hope—and I doubt not they entertain that hope with all sincerity—that Shantung will be restored to China, it will be found when the books are finally made up that what we do here to-day is a mere mental reservation against a physical fact, and the physical fact will prevail. While we mentally reserve any approval of this transaction, nevertheless our President signed the treaty at Versailles and we ratify it with nothing in it save a mental reservation, as it were, as to Shantung. In the meantime we, as a people, know what is going on in Shantung. We know that China is being dispossessed; we know that her people are being driven out; that they are being denied their rights, in the face of the reservation which we adopted upon the 19th of November. What need we more in the way of proof to satisfy us that what we are to do to-day will not at all meet the supreme obligations which rest upon us toward a friendly nation?

Mr. KING. Mr. President, will the Senator from Idaho yield?

Mr. BORAH. I yield.

Mr. KING. There may be very much in what the Senator says, and the conduct of Japan may call for the strictures and the condemnation which have been uttered here in the Senate; as to that I am now expressing no opinion; but what course does the Senator suggest should be pursued by the Senate of the United States in dealing with this treaty with respect to the Shantung provision? Assuming that there is no emendation of the treaty, what course shall the Senate pursue that will ameliorate the condition or will be of any advantage to China?

If I may further trespass upon the time of the Senator, the suggestion has frequently been made upon the floor of the Senate that with the League of Nations organized and the United States being one of the constituents of the organization, China's position would be far better than it would be if we were not within the league; that, with the traditional friendship which the United States has exhibited toward China, she would be in a position in the league to exert her powerful influence in behalf of China; that she could urge, and urge with great power, that Japan should redeem the promises which she has repeatedly made that Shantung—not only the shell, as the Senator from Idaho has used the expression, but the kernel and the substance—should be returned to China. I ask the Senator now if those statements are not accurate and if China's position will not be benefited if the United States is in the league? I ask the Senator the further question, what may we now do that would be of advantage to China in dealing with the question of reservations?

Mr. BORAH. Mr. President, as to the Senator's first question as to what we may now do which will be of benefit to China, if I must answer that question as a practical proposition, I may say that we can do nothing more than adopt this reservation; but the Senator knows that there are those of us who have felt from the beginning and who still feel that the Shantung provisions ought to have been entirely stricken out of the treaty. I was not wholly satisfied with the proposition of an amendment which would restore Shantung to China, but I was thoroughly in favor of striking out the provision in the treaty, so that the matter would stand upon the relationship which existed between China and Japan, for I was of the opinion that the Versailles conference had nothing over which to assume jurisdiction in regard to the matter. I was of the opinion that when China entered the war all the rights of Germany were forfeited and went back to China and still belonged to China when the peace conference met at Versailles. At this time, of course, I know that we can do nothing but accept this reservation. The course we should have pursued, however, in the first instance, was to reject the proposition at Versailles, and, in the second instance, the Senate ought to have stricken it out of the treaty, if we ratified the treaty, and then permitted the matter to be settled according to the rights which existed under international law and under treaties which might have been in existence.

As to the second proposition, whether it is not better for us to go into the league, and that we might possibly be of some service to China in the league, first permit me to say that, while I am very anxious to render any possible service I can to China, going into the league is too high a price for me to be willing to pay



even for that. I am not willing to take the chances that I think as a people we should take by going into the league.

Suppose, however, we should go into the league; suppose that the Senator who is now, as I am reliably informed, at the White House, finally satisfies the President with reference to the new reservations to article 10 and that we shall go into the league; suppose that the advocates of the reservation consent to the dotting of the "i" but refuse the crossing of the "t," and thereby compromise the differences, and we then go into the league; let us assume that that is true. When we get into the league Japan has absolute control of the situation. It can not be settled without Japan's consent; it would require unanimous consent of the council in order to readjust it. That is the complete answer to that, if I am correct in my construction of Japan's attitude. When we take into consideration that Japan refused to go into the league without—

Mr. FLETCHER. Mr. President—

Mr. BORAH. Just a moment—without the Shantung provisions in the treaty, how shall we assume that when she is in the league she will of her own motion consent to waive them? Now I yield to the Senator from Florida.

Mr. FLETCHER. I was going to ask the Senator if it was not true that under the terms of the league itself Japan could not be a party to and could not participate in the decision of that question? So the provision requiring unanimous consent would not avail.

Mr. BORAH. Oh, yes; in this particular matter Japan would be a party, but not so as to exclude her participation.

Mr. FLETCHER. She would be a party, but for that very reason could not participate in the settlement of the question.

Mr. BORAH. I do not know under what clause she would be excluded from being a party to it, because this is not—

Mr. FLETCHER. I say she would be a party, but for that very reason she could not participate in the decision of the question before the council or before the assembly of the league.

Mr. BORAH. I do not think this question would come under the clause of the covenant to which the Senator has reference—I am quite sure it would not—but let us take another view of it—

Mr. POINDEXTER. Mr. President—

Mr. BORAH. I yield to the Senator.

Mr. POINDEXTER. Mr. President, I should like to suggest to the Senator from Florida that under the treaty certain portions of Shantung have been delivered to Japan. Should any question in regard to the matter come before the council of the League of Nations, Japan would be in a position to claim that, by the terms of the treaty, those portions of Shantung are a part of Japanese territory, and under article 10 of the covenant of the League of Nations every member of the league has bound itself to protect and defend the sovereignty of Japan in that territory.

Mr. FLETCHER. But there would still remain the question of what rights Japan had conceded in consideration of the agreement reached on that subject in the treaty; in other words, the question would be raised about her consent eventually to transfer this territory to China.

Mr. BORAH. There is another answer to the Senator from Florida, and that is that this is a territory which has been guaranteed under the treaty, and under all the rules of which I can conceive, it would be a domestic question for Japan, and Japan would not permit it to come before the league for settlement. But, back of all that, as the Senator from Florida will realize if he will reflect upon the situation, is the fact that if Japan should not actually participate at the time the question were determined, her influence would certainly be quite equal to that which enabled the Shantung provision to be inserted in the treaty. Japan secured Shantung because of her tremendous power, because of her great prestige, because neither Great Britain nor France nor the United States were willing to go into the league or to form it without Japan. The President has told us in unmistakable terms—and, considering everything, with remarkable candor—that the price of the league was Shantung; that it could not have been formed without it. It could not be maintained without it. If they were willing to wreck the league rather than not to have the Shantung provision put in the treaty, shall we assume that they are willing to stay in the league if we take Shantung from them? If not, the same argument precisely which put Shantung under her control will keep it there. I think I know how China is going to get Shantung back, but that is prophecy, and there is no need to indulge in it.

Mr. FLETCHER. Mr. President, may I interrupt the Senator further?

Mr. BORAH. In just a moment. One of two things, it seems to me, is inevitable—and I do not speak of my own knowledge so much as the knowledge of those who have studied the question—either the Shantung affair will result in the dismemberment of

China and the absorption of the Chinese people or their control and dominancy by Japan, as in the case of Korea; or the other thing will happen; and that is, that the young Chinamen, the students who are thoroughly aroused as they never have been before aroused, will take possession of the situation in China, and the result will be an oriental conflict compared with which, in my judgment, it could no longer be said that the German war was the great war of history.

Mr. FLETCHER. Will the Senator yield to me further?

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from Idaho yield to the Senator from Florida?

Mr. BORAH. I yield.

Mr. FLETCHER. I do not wish to prolong the discussion at all; but the Senator has alluded to what was claimed to be an agreement between China and Japan upon which the final arrangement was based. The Senator may not attach much importance to that agreement, but my understanding is that there was some such agreement.

Mr. BORAH. That agreement has been discussed. Of course, China always claimed that that agreement was obtained by duress, and I think the facts are conclusive upon that point. Furthermore, as I remember the President's statement, following the statement of a distinguished Japanese as to the conditions upon which Shantung was to be returned to China, the President's statement repudiated the proposition that that agreement had anything at all to do with the understanding as to the return of Shantung to China. The Senator will recall that when the statement referred to was made by the distinguished Japanese statesman the President felt under the necessity the next morning of stating that that was not his understanding, and that the agreement or treaty of 1915 had nothing to do with it.

I believe, Mr. President, I shall not further trespass upon the time of the Senate.

Mr. LODGE. Mr. President, I hope we can now have a vote on the pending question. The yeas and nays have been ordered.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from Massachusetts to the sixth reservation.

Mr. HITCHCOCK. I suggest the absence of a quorum.

The PRESIDING OFFICER. A quorum is demanded. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Glass	Knox	Poindexter
Borah	Gronna	Lenroot	Ransdell
Brandegee	Hale	Lodge	Sheppard
Capper	Harris	McCormick	Shields
Chamberlain	Henderson	McLean	Smith, Ga.
Colt	Hitchcock	McNary	Smith, S. C.
Culberson	Johnson, S. Dak.	Moses	Smoot
Curtis	Jones, N. Mex.	New	Spencer
Dillingham	Jones, Wash.	Norris	Sutherland
Edge	Kellogg	Nugent	Townsend
Fletcher	Kendrick	Overman	Trammell
France	Kenyon	Page	Warren
Frelinghuysen	Keyes	Phelan	Wolcott
Gay	King	Phipps	
Gerry	Kirby	Pittman	

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness.

The PRESIDING OFFICER. Fifty-eight Senators having answered to the roll call, a quorum is present. The question is on the amendment offered by the Senator from Massachusetts [Mr. LODGE] to reservation No. 6, upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Reading Clerk proceeded to call the roll.

Mr. JONES of Washington (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness in his family. I have agreed to take care of him with a pair during that absence. I find, however, that I can transfer my pair to the junior Senator from California [Mr. JOHNSON], and I do so and will vote. I vote "yea."

Mr. GRONNA (when Mr. LA FOLLETTE's name was called). The senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. On this question he is paired with the Senator from Ohio [Mr. POMERENE].

Mr. SPENCER (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. I transfer that pair to the junior Senator from Massachusetts [Mr. WALSH] and vote "yea."

The PRESIDING OFFICER (when Mr. TOWNSEND's name was called). The occupant of the chair has a general pair with the senior Senator from Arkansas [Mr. ROBINSON], but is at liberty to vote on this question. He votes "yea."

The roll call was concluded.

Mr. WILLIAMS. I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Kentucky [Mr. STANLEY] and vote "nay."



Mr. PHIPPS. I am paired with the junior Senator from South Carolina [Mr. DIAL]. I understand, however, that if present he would vote as I shall vote on this question, and I am therefore at liberty to vote. I vote "yea."

Mr. FRELINGHUYSEN. I have a general pair with the junior Senator from Montana [Mr. WALSH]. I have been informed that he would vote the same way that I shall vote on this question, and therefore I am at liberty to vote. I vote "yea."

Mr. THOMAS. I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER], who is absent; but I am informed that if he were present, he would cast his vote in the affirmative on this question. I therefore feel at liberty to vote, and vote "yea."

Mr. JOHNSON of South Dakota. I have a pair with the Senator from Maine [Mr. FERNALD]. I transfer that pair to the Senator from Montana [Mr. WALSH] and vote "yea."

Mr. KENDRICK. I have a pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Arizona [Mr. SMITH] and vote "yea." I ask that this announcement as to my pair and its transfer may stand for the day.

Mr. FLETCHER (after having voted in the affirmative). I announce my pair with the Senator from Delaware [Mr. BALL]. It is my understanding that if present he would vote as I have voted on this question, and I will therefore allow my vote to stand.

Mr. WILLIAMS (after having voted in the negative). I voted a moment ago under a misapprehension. I thought the vote was on the main proposition. Anything is better than the main proposition as an amendment, and I desire to change my vote from "nay" to "yea."

Mr. DILLINGHAM (after having voted in the affirmative). Observing that the senior Senator from Maryland [Mr. SMITH], with whom I have a general pair, is absent, I transfer the pair to the junior Senator from Michigan [Mr. NEWBERRY] and will allow my vote to stand.

Mr. EDGE (after having voted in the affirmative). I have a general pair with the junior Senator from Oklahoma [Mr. OWEN]. I understand, however, that if he were present he would likewise vote in the affirmative, so I will let my vote stand.

Mr. HALE. My colleague, the senior Senator from Maine [Mr. FERNALD], is absent on official business of the Senate. If present, he would vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD], and

The Senator from Minnesota [Mr. NELSON] with the Senator from Mississippi [Mr. HARRISON].

Mr. GERRY. I wish to announce that the Senator from Alabama [Mr. UNDERWOOD], the Senator from Tennessee [Mr. McKELLAR], the Senator from Mississippi [Mr. HARRISON], and the Senator from South Carolina [Mr. DIAL], if present, would vote "yea" on this question.

The Senator from Montana [Mr. WALSH], the Senator from Oklahoma [Mr. OWEN], and the Senator from Arizona [Mr. SMITH] are absent on official business.

The Senator from Virginia [Mr. SWANSON] is detained by illness in his family, and the Senator from Massachusetts [Mr. WALSH] is absent on account of the death of a member of his family.

The Senator from Alabama [Mr. UNDERWOOD], the Senator from Minnesota [Mr. NELSON], the Senator from Ohio [Mr. POMERENE], the Senator from Maine [Mr. FERNALD], the Senator from Delaware [Mr. BALL], the Senator from Arizona [Mr. ASHURST], the Senator from Mississippi [Mr. HARRISON], the Senator from South Carolina [Mr. DIAL], and the Senator from Tennessee [Mr. McKELLAR] are absent in attendance at the funeral of the late Senator BANKHEAD.

The result was announced—yeas 69, nays 2, as follows:

## YEAS—69.

Beckham	Glass	Lodge	Shields
Borah	Gore	McCormick	Simmons
Brandegee	Gronna	McLean	Smith, Ga.
Calder	Hale	McNary	Smith, S. C.
Capper	Harris	Moses	Smoot
Chamberlain	Henderson	Myers	Spencer
Colt	Hitchcock	New	Sterling
Culberson	Johnson, S. Dak.	Norris	Thomas
Cummins	Jones, N. Mex.	Nugent	Townsend
Curtis	Jones, Wash.	Overman	Trammell
Dillingham	Kellogg	Page	Wadsworth
Edge	Kendrick	Phelan	Warren
Elkins	Kenyon	Phipps	Watson
Fletcher	Keyes	Pittman	Williams
France	King	Polindexter	Wolcott
Frelinghuysen	Kirby	Ransdell	
Gay	Knox	Sheppard	
Gerry	Lenroot	Sherman	

## NAYS—2.

Reed Sutherland

## NOT VOTING—24.

Asbust	Harrison	Newberry	Smith, Md.
Ball	Johnson, Calif.	Owen	Stanley
Dial	La Follette	Penrose	Swanson
Fall	McCumber	Pomerene	Underwood
Fernald	McKellar	Robinson	Walsh, Mass.
Harding	Nelson	Smith, Ariz.	Walsh, Mont.

So Mr. LODGE's amendment to reservation No. 6 was agreed to. Mr. HITCHCOCK. Mr. President, I offer the substitute which I send to the desk.

The PRESIDING OFFICER. The amendment, in the nature of a substitute, will be stated.

The READING CLERK. It is proposed to substitute for reservation No. 6 the following:

That in advising and consenting to the ratification of said treaty, the United States understands that the German rights and interests renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty are to be returned by Japan to China at the termination of the present war by the adoption of this treaty.

Mr. HITCHCOCK. Mr. President, a question has arisen here as to whether or not the representatives of Japan, as an inducement to secure the assent of the President to these three articles of the treaty, promised the return of these German rights to China. I was surprised when any question was made as to that fact; and I desire to read an extract from a speech delivered by the President of the United States, in which he refers to this promise which the Japanese Government has made. I want to say, in addition, that these promises to which the President refers as having been made in Paris are by no means the only promises. Other definite promises made in Tokyo by the Japanese Government, and other public statements made by Japanese representatives in this country, were to the same effect as referred to by the President in this speech in St. Louis.

The President said:

Great Britain, and subsequently France, as everybody now knows, in order to make it more certain that Japan would come into the war and so assist to clear the Pacific of the German fleets, had promised that any rights that Germany had in China should, in the case of the victory of the Allies, pass to Japan. There was no qualification in the promise. She was to get exactly what Germany had, and so the only thing that was possible was to induce Japan to promise—and I want to say in fairness, for it would not be fair if I did not say it, that Japan did very handsomely make the promise which was requested of her—that she would retain in Shantung none of the sovereign rights which Germany had enjoyed there, but would return the sovereignty without qualification to China and retain in Shantung Province only what other nationalities had already had elsewhere, economic rights with regard to the development and administration of the railway and of certain mines which had become attached to the railway. That is her promise, and personally I have not the slightest doubt that she will fulfill that promise. She can not fulfill it right now, because the thing does not go into operation until three months after the treaty is ratified, so that we must not be too impatient about it. But she will fulfill that promise.

Suppose that we said that we would not assent—

And that is exactly what is proposed by the Lodge reservation—

Suppose we said that we would not assent. England and France must assent, and if we are going to get Shantung Province back for China and these gentlemen do not want to engage in foreign wars, how are they going to get it back? Their idea of not getting into trouble seems to be to stand for the largest possible number of unworkable propositions.

It is all very well to talk about standing by China, but how are you standing by China when you withdraw from the only arrangement by which China can be assisted? If you are China's friend, then do not go into the council where you can act as China's friend! If you are China's friend, then put her in a position where even the concessions which have been made need not be carried out! If you are China's friend, scuttle and run! That is not the kind of American I am.

Now, there is a statement by the President of the United States that he holds a promise made by Japan to return the sovereignty rights of Germany in the Shantung Province after the conclusion of peace.

Mr. WILLIAMS and Mr. LENROOT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield, and if so to whom?

Mr. HITCHCOCK. I yield to the Senator from Mississippi, who first rose.

Mr. WILLIAMS. The Senator in his concluding sentence has virtually answered what I was about to ask. I would like to ask him, however, if he has not noticed in the public prints that Japan has already made a proposition to China to open negotiations for the purpose of returning the Shantung-German rights to China, and that China, under some influence or other—I do not know what, but probably proceeding directly in accordance with the views of the United States Senate—refuses to negotiate at all?

Mr. HITCHCOCK. That is true. Japan initiated at once negotiations with China for the return of the rights of sovereignty which it has been complained Japan is exercising in the Shantung Province. As yet China has not even assented to



the negotiations. Possibly it desired in some way to keep this issue alive.

But one thing is certain: If we want to aid China to secure back the rights of sovereignty in the Shantung Province, the thing to do is to put ourselves in a position to hold Japan to the promises made to the President as an inducement to get him to assent. We can not withdraw our assent and at the same time hold Japan to her promises. Those promises were given for the purpose of securing our assent, and if we refuse our assent, we are in no position to hold Japan to her promises; and we are not in a very good position to hold Japan to her promises unless we go into the League of Nations, which will be the tribunal where the rights of China can be asserted and protected.

Mr. President, I have seen a good many crocodile tears shed here in behalf of China, but some of the very Senators who shed those tears were in public life at the time Germany, in 1898, secured these rights in the Shantung Province, and no American voice was raised in protest against Germany securing those rights from China at that time. Our then existing Government assented to it, and I have already read into the Record the official communications from the State Department assenting to the change that was made when Germany secured her 99 years' lease in the Shantung Province.

Mr. President, what Germany secured in 1898 she held for 20 years, and there was no protest from the United States. All this treaty does is to transfer from Germany to Japan the rights which Germany had secured with the assent of the whole world; and what the President of the United States did was to secure from Japan the very definite and positive promise that Japan would turn those rights of sovereignty back to the Chinese Government after the conclusion of the war and the signing of a treaty of peace.

Mr. WILLIAMS. Mr. President—

Mr. LENROOT. Will the Senator yield to me now?

Mr. HITCHCOCK. I yield first to the Senator from Mississippi.

Mr. WILLIAMS. I understood the Senator to say that he had previously mentioned the fact that our State Department—and, of course, that carries with it the presidential administration at that time—assented to Germany taking charge of Shantung under the German-Chinese treaty of 1898. I do not think the Senator has fully enough expressed that. We not only assented, but our Department of State congratulated the Kaiser upon it.

Mr. HITCHCOCK. That is absolutely true. I have read that communication into the Record. There are the very Senators now in public life who were in public life then, and there was no word of protest. Germany took that from China by force, practically. It had the dignity of a treaty, but it was practically exacted as an unjust penalty from China by force, and Germany held it for 20 years, and you did not begin to shed your crocodile tears until 20 years had elapsed.

Mr. LENROOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. HITCHCOCK. Yes; I yield.

Mr. LENROOT. Does the Senator from Nebraska mean to say that our State Department congratulated Germany upon obtaining the lease from China?

Mr. HITCHCOCK. I read into the Record a statement from Mr. Secretary Hay to the secretary of state for foreign affairs in Germany congratulating Germany upon the policy she had adopted in her newly acquired Shantung Province.

Mr. LENROOT. Ah! The Senator well knows that the congratulation was upon making an open port, a free port, within that territory and had nothing to do with the lease itself.

Mr. HITCHCOCK. I am asserting that the United States practically assented to the transfer, and so did every nation in the world. It was Germany's for 20 years, and Japan did not take it from China. Japan took it from Germany and holds it by right of conquest, and yet Senators stand here and prate about the President of the United States having assented to the rape of China by Japan. Mr. President, I do become indignant when I hear statements of that sort.

China has not had it for 20 years and more, and the only hope that China has, of getting it again is the promise the President of the United States exacted from Japan. You propose to do nothing toward restoring it to China except to make political capital out of it here in the Senate against the President of the United States, who really made an effort. You know just as well as I know that Japan seized this property in the war before we got into it. Japan had possession of it long before we even declared war against Germany, when we were in the attitude of a neutral, and Japan has held it ever since,

and will continue to hold it; and you who shed your crocodile tears will not even go into a League of Nations, where it might be possible to try the claims of China, backed by the promise which the President wrung from Japan as a condition of giving his assent to what had already happened.

Oh, you will withhold your assent, will you? What good will that do China when Japan is in possession? Japan is in possession with the assent of Great Britain, with the assent of France, with the assent of Italy, with the assent of every other nation in the world, and you do not propose to do anything for China. All you propose to do is to endeavor to make a little capital and injure the President of the United States, who did what he could by exacting this promise from Japan.

So I propose, as a substitute for this empty, meaningless thing, a declaration that the Senate agrees to the ratification of the treaty with the understanding and upon the condition that Japan is to return to China the rights of sovereignty in the Shantung Province in accordance with the promises that the President exacted from her.

Mr. LENROOT. Mr. President, just a word. The Senator from Nebraska says that the President did what he could in this Shantung matter. The President had the same opportunity to do in the Shantung matter what he has now done in the Adriatic matter, but in the Shantung matter, for some reason, he did not avail himself of the opportunity.

Mr. WILLIAMS. Mr. President—

Mr. LENROOT. I do not yield.

The PRESIDING OFFICER. The Senator from Wisconsin declines to yield.

Mr. LENROOT. Before the Senator from Nebraska leaves the Chamber I should like to ask him whether he bases his reservation upon the President's statement which the Senator has read to the Senate?

Mr. HITCHCOCK. Yes; in part. The President made a public statement more definite and more elaborate than this one, but I have not been able to place my hand upon it. The testimony before the Committee on Foreign Relations also was to the same effect.

Mr. LENROOT. I want to ask the Senator whether President Wilson ever anywhere has stated that the representatives of the Japanese Government have made any promise other than that to restore the sovereign rights in Shantung?

Mr. HITCHCOCK. Not that I know of.

Mr. LENROOT. No; but the Senator's reservation would imply an understanding that all rights are to be restored.

Mr. HITCHCOCK. Whatever rights the promise covers.

Mr. LENROOT. Then, where does the Senator get that understanding, when the President makes no claim that there was any such understanding?

Mr. HITCHCOCK. There have been other statements made—statements made, as I said, in Tokyo; statements made by distinguished statesmen of Japan on many occasions—and actually at the present time Japan has endeavored to negotiate proceedings with China for the return of the sovereign rights. I have not any doubt that Japan, if she is not kept to her promise, is going to hold all she can get in Shantung. I do not disparage the statement that Japan still has the idea of gaining a hold or increasing her hold on the Asiatic coast, and I say the only hope of China is in the promises which have been exacted, and it is no use for Senators to say that those promises amount to nothing. They are all you have, and they are a great deal more than this hollow mockery of a reservation that does not do China any good.

Mr. LENROOT. I ask the Senator if Japan does carry out the promise that President Wilson says was made at Paris, will she not then have fully fulfilled her undertaking as a condition of the peace treaty?

Mr. HITCHCOCK. Yes; and, moreover, she will have done the thing that you most complain against. You have been talking about her exercise of sovereign rights. You have not been complaining about her use of the economic opportunities that other nations enjoy in China, as in the operation of railroads. You have been complaining that she was endeavoring to make a political annexation of Shantung and subject the Chinese people of the Shantung Province to her domination and control. Those powers she has promised to abdicate in favor of China, and they are the important thing.

Mr. LENROOT. My point is that the Senator presents to the Senate a reservation expressing an understanding that he knows was never made. No promise was made at Paris; and he now admits that there is no expectation that Japan will do what the Senator's reservation says we understand Japan will do. That is the trouble. His reservation is not fair; it expresses something that he knows it is not intended, and President Wilson does not expect Japan to keep.



Mr. HITCHCOCK. I have never been able to draw a reservation or anything else that suited the Senator from Wisconsin.

Mr. WILLIAMS. Mr. President, a moment ago the Senator from Wisconsin [Mr. LENROOT] stated that he did not understand why the President of the United States had not done in connection with the Shantung-Japanese provision precisely what he did in connection with Fiume. Of course the Senator from Wisconsin knows better than that. He knows that the two cases are not analogous. He knows, or ought to know, that the conditions which existed at the time Great Britain, France, Italy, and Japan entered into the Shantung arrangement were never later changed. He also knows, or ought to know, on what the provisions of the secret treaty of London affecting the Adriatic coast and the town of Fiume were based. By the way, it did not affect the town of Fiume at all; it was not even included in it; and that was an afterthought of Italy; Italy claimed it later on. He, of course, knows that that treaty was based upon the then existing power of the autocracy of Austria-Hungary, and he knows that when Austria-Hungary was dismembered and divided and Jugo-Slavia and Czechoslovakia and Poland taken away from it the danger against which Italy was providing in the secret treaty of London ceased to exist.

Now, that is not all. Senators come here and they raise their voices most stentoriously against the recognition of a secret treaty between certain powers in Europe with regard to Shantung, and so far as these Senators are concerned, if they follow their leader, they are nevertheless attempting to execute another secret treaty, to wit, that of London, and are advocating turning over Fiume to Italy even outside of the treaty and beyond it.

Of course, the Senator knows, he must know, that conditions in the east remained exactly as they were when the secret treaty was entered into, and that conditions along the Adriatic changed completely. The President had no right to say to three or four sovereign powers, equally sovereign with us, that they must absolutely set aside a treaty, especially is this true when we remember we entered into the war for the maintenance of treaties and against the idea that they could be scraps of paper.

But the President had a right when he came to the Adriatic question to say "those conditions have totally changed; the safeguard from military menace that Italy wanted on the Adriatic has ceased to be necessary, because the great autocratic Empire of Austria-Hungary has been dissolved and has ceased to exist; the very conditions intended to be safeguarded have become revolutionized; they have become the very opposite of what they were. Now, the important question is to give entrance to the Adriatic to Jugo-Slavia, and moreover Italy is safe from the Austro-Hungarian Empire because by the fortunes of war we have absolutely dismembered and destroyed it."

Now, Mr. President, one more little thing. It seems to me that the Senators who have been bewailing about China most are the men who hitherto have not been the friends of Chinamen in the United States. It seems to me, moreover, that Senators forget the condition of the Orient when they are trying to bring about a condition of things which will insure everlasting peace and harmony of purpose and accord of action between Japan and China. That is the last thing in the world the white race wants. If ever there is complete accord between Japan and China and between the Japanese intellect and trained Chinese man power, the white race might just as well retire voluntarily from the theater of the world's action. Four hundred millions of Chinese, as brave as you or I, more contemptuous of death than you or I, needing only military discipline, of which they are capable, as Chinese Gordon proved; Japan is anxious to give it. The future peace of the world is threatened by a possible alliance between Japan, Germany, and Russia, the three together controlling and exploiting China—that is what is before you. Let sleeping dogs sleep; do not wake them up.

There is a long horoscope that I am afraid a lot of you do not catch. There is a great danger to the future peace and civilization of the world from an alliance between Germany, Russia, and Japan, controlling China, and the three together would necessarily control China, because you yourself would not vote to-morrow for an appropriation to send an American army there to prevent the result of that sort of an alliance, if it ever existed, from controlling China. That is one of the great dangers to the future peace of the world that somehow must be met, either by rehabilitating Germany and giving her a chance to pay her debts so that the balance of the world may pay its debts, or else by rehabilitating Russia so as to make her independent of the possible economic interpenetration of Germany. One of those two things must take place, and if one does not take place, the other be-

comes a necessity of history in the future, and you and I will have to face it.

One of the luckiest things that ever happened in the world was that the czardom went to pieces and that Russia was not present around the council board in Paris when conditions of peace had to be agreed to. If the old Empire of Russia, with all its power and pride as represented by the czardom had been there, the President not only would not have been able to do anything with regard to Shantung or the Adriatic, but he would not have been able to do anything with regard to anything else at all. Russian autocratic barbarism would have dominated the council at Versailles just as, after the Napoleonic wars, under Alexander it dominated the council at Vienna.

Luckily for the world Russia went to pieces. Luckily she could not be represented at the peace conference at Versailles. Luckily autocratic, semibarbaric ideas could not be presented. Luckily Constantinople was not handed over to Russia to give Russia an open path into the Mediterranean and thence into the Atlantic in order that her hordes might at some time in the future overpower Aryan civilization with pan-Slavonic semibarbarism. Man proposes and God disposes. I think in this case God did a great deal of the disposing.

But there remains Russia, with over a hundred million people; there remain the Teutonic stock of Germans, whom you can not destroy from the face of the earth—70,000,000 of them. All that you can say and all that you can do will not remove these stumblingblocks in the way of the world's peace and its civilization. Now, you want to go out and make an enemy of the chief oriental power, as well as of Russia and of Germany, so that at some time there may be possibly, if not probably, an alliance between your present arch enemy, Germany, and the Russians, who at this moment hate you more than they hate anybody else, and the Japanese, whom you are every morning and every evening and every hour between the morning and the evening insulting to the best of your senatorial ability of expression. Now, why do you want to do it?

Japan has positively promised that she will assert no right of sovereignty in Shantung. She has demanded four things, at least three of which all of us want—an open door to foreign trade, a place for foreigners, a free port for all foreigners—and then she has demanded something else for herself in the shape of a Japanese entrepôt in the harbor of the bay at Shantung. Is that more than England has in Hongkong? Is it more than France has in Indo-China? Is that more than we have at Shanghai? Is that less than we want? I thought we were all seeking an "open door" in China for the trade of the white race with the oriental population. If that has not been our chief object, then I have been deceived about what our chief object has been.

Oh, such friends to China as a great many people are, some of them men who, upon my word of honor, I would bet a hundred dollars to one dollar did not know that Shantung was in existence, unless they happened to remember it from their school days, until this war took place. The Senator from Nebraska [Mr. HITCHCOCK] is exactly right. If you want to help China against Japan, say so. How shall you say so? By saying that we understand that Japan has made certain promises, and that we hold her to them. Can you help China by simply "standing out from under"? You know you can not. If Japan raised an army of a million men to-morrow to make war upon China, you know that not one of you would vote for an appropriation of even \$1,000,000 to withstand or resist her. I dare one of you to say you would. You know you would not. So you want to "thunder in the index," making much noise, with little intent of action. If you mean anything, say what the Senator from Nebraska says, which is virtually that Japan has made certain promises, and in agreeing to this particular provision of the treaty we want it understood that we hold her to those promises.

The PRESIDING OFFICER. The question is on the amendment in the nature of a substitute offered by the Senator from Nebraska to the sixth reservation reported by the committee.

Mr. LENROOT and Mr. CURTIS called for the yeas and nays.

Mr. HITCHCOCK. Before the yeas and nays are taken, I ask leave to modify my substitute in the hope that I may possibly get the vote of the Senator from Wisconsin. On what appears to be line 22 of the particular print I hold in my hand, I desire to change the word "German" to "sovereign," and on line 24, after the word "treaty," to insert "or now exercised by Japan," so that it will read:

That in advising and consenting to the ratification of said treaty the United States understands that the sovereign rights and interests, renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, or now exercised by Japan, are to be returned by Japan to China at the termination of the present war by the adoption of this treaty.



The PRESIDING OFFICER. The Senator from Nebraska has the right to modify his amendment.

Mr. BORAH. Mr. President, I wish to call the Senator's attention to the fact that as modified the amendment means absolutely nothing. Germany never claimed any sovereign rights in Shantung.

Mr. McCORMICK. Mr. President, that would be the virtue of the reservation, a virtue which so many of them have.

Mr. BORAH. Germany had a leasehold of Shantung, but never claimed sovereign rights.

Mr. HITCHCOCK. Mr. President, the Senator from Idaho and others upon the other side of the aisle have certainly sought to make a great deal of political thunder out of the fact that Japan is now exercising sovereign rights in Shantung, and it has been claimed that one of the vices of this transfer is that it puts Japan in a position where she can exercise sovereign rights. Now, I have so modified the amendment at least that until Japan relinquishes those sovereign rights to China our adherence to the treaty—

Mr. BORAH. Mr. President, if I may ask to have the Senator's amendment read from the desk as modified, I think he himself will see that he does not provide for anything, if I understood the reading correctly.

The PRESIDING OFFICER. The Secretary will read the substitute proposed by the Senator from Nebraska as modified.

The reading clerk read as follows:

That in advising and consenting to the ratification of the said treaty the United States understands that the sovereign rights and interests, renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, or now exercised by Japan, are to be returned by Japan to China at the termination of the present war by the adoption of this treaty.

Mr. BORAH. All that that provides is that the sovereign rights claimed by Germany shall be transferred to China.

Mr. HITCHCOCK. No; Mr. President, that is not all.

Mr. NORRIS. Mr. President, will the Senator from Idaho yield to me?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. Yes; I yield.

Mr. NORRIS. The amendment not only does not mean anything but it ratifies the treaty with a certain understanding. Suppose that understanding is not carried out, the ratification will not be affected. If the senior Senator from Nebraska desires to accomplish what I take it he wants us to believe he is trying to accomplish he will modify the amendment so that it will provide that we withhold our ratification of the treaty until Japan complies with her agreement; but, even if all he claims is true, it does not affect the ratification and it does not require anything from Japan.

Mr. BORAH. Mr. President, I think I was correct in my construction of the amendment. It provides:

That in advising and consenting to the ratification of said treaty, the United States understands that the sovereign rights and interests renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, and now exercised—

Mr. HITCHCOCK. Oh, no; Mr. President, not "and" but "or"—

sovereign rights and interests renounced by Germany in favor of Japan or now exercised by Japan.

Any sovereign rights which Japan is exercising. There is all the difference in the world between "and" and "or."

Mr. BORAH. When we get through with the first part we will take the second part.

Mr. HITCHCOCK. That is where the "snapper" comes in.

Mr. BORAH. Very well; we will take the "snapper."

Mr. HITCHCOCK. Yes; take the snapper. The language is "or exercised by Japan," meaning any sovereign rights now exercised by Japan.

Mr. BORAH. Exactly. Japan has always been ready, as I understand, to return what she calls the sovereign rights, but the economic rights, the railroad franchises, the mines and mining interests, and the things which enable her to absolutely control the destiny of Shantung, Japan has never promised to return.

Mr. HITCHCOCK. Mr. President, is it possible that the Senator from Idaho now abandons the very strong ground that he and others have been taking, that Japan was proposing to annex Shantung; in fact, had annexed Shantung, and was exercising sovereign powers of government in Shantung? Is it possible that he now forgets that the very gravamen of the charge against Japan has been the exercise of sovereign rights, rights of government?

Mr. BORAH. No. That is not quite correct.

Mr. HITCHCOCK. The charge has not been that she is running a railroad or operating mines.

Mr. BORAH. Oh, yes.

Mr. HITCHCOCK. No, sir. The charge has been that she is oppressing the people by the exercise of political power. That has been the gravamen of the charge always. It is political domination that has been complained of.

Mr. BORAH. The Senator from Idaho is entirely familiar with the charges which he has made, and he is not digressing from those charges. I know, as ex-Senator Burton so well says, that so long as the economic rights which Japan claims and which she proposes at no time to return are permitted to remain in her possession and under her management the sovereign rights which are spoken of are a mere shell; they amount to nothing. For instance, when Japan takes possession of the mines and is working the mines, while the political sovereignty over that particular region of country may be nominally in China, Japan is really in possession of the country and is in control of it in every way.

If the Senator from Nebraska will do one of two things, I will be glad to support his proposal. If the Senator, first, will make it not a substitute but an amendment, so as to provide that we withhold our assent to article 157 and also construe our understanding of what is to be done by Japan, I will be very glad to support it; I do not care whether it says as much as I want it to say or not. Certainly, if the Senator does not wish to do that, but wishes to have a substitute adopted, if he will provide that we withhold our assent to the treaty until Japan does retransfer her alleged sovereign rights and her economic rights, I will vote for it.

Mr. HITCHCOCK. I have no doubt that would be very satisfactory to a "bitter-ender," but I am not a "bitter-ender."

Mr. BORAH. I am sorry to hear that. [Laughter.]

Mr. HITCHCOCK. Mr. President, the Senator is evidently very anxious to help China. He is not even satisfied with having China get back her political sovereignty.

Mr. BORAH. Oh, no; because it is a shell.

Mr. HITCHCOCK. He wants her also to get back the rights to the mines and the privilege of operating the railroads which many foreign nations have. Will he point out somewhere in the reservation which he is supporting any step taken to recover those rights for China?

Mr. BORAH. Mr. President, if the Senator had listened to the remarks which I made about an hour ago, he would have heard me say that the reservation proposed by the Senator from Massachusetts does not accomplish all the Senator from Idaho desires. What the Senator from Idaho desired in the beginning was to eliminate from the treaty entirely the Shantung provision and complete the task which is undoubtedly resting upon us in a way that we would be proud of.

Mr. HITCHCOCK. The Senator would like to eliminate the rest of the treaty also.

Mr. BORAH. Yes; I have not conceded that fact.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Idaho a question.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. Yes; I yield.

Mr. WILLIAMS. The Senator from Idaho seems to wish that Japan should surrender the railroad and mining rights under the concession which were granted by the Chinese Government to the Germans and afterwards, as the result of this treaty, were transferred to Japan. The Senator has insisted upon a surrender by Japan of all railroad and mining concessions in China; but would he at the same time insist that all other nations shall surrender their concessions of like character?

Mr. BORAH. Mr. President, if the question should come here so that the Senate would be called to act upon it as a treaty, involving a confirmation of the rights of Great Britain and France in China, I would never vote to ratify it.

Mr. WILLIAMS. And America; do not forget we have some concessions.

Mr. BORAH. America stands upon an entirely different footing. But I would never in the world vote to ratify such a treaty. Now, let me say to the Senator that I think Japan is perfectly justified in what she did with reference to Shantung by the precedents which had been set by Great Britain and by France.

Mr. WILLIAMS. And by Italy.

Mr. BORAH. Well, Italy did not do so well.

Mr. WILLIAMS. Like in kind, though different in degree.

Mr. BORAH. Italy started in, but Great Britain and France were not sure that they had all they wanted, and they objected. The manner in which France secured her rights and the manner in which Great Britain secured her rights are perfectly parallel, to the manner in which Japan secured hers.



Mr. WILLIAMS. And to the manner in which Germany secured hers before they were transferred to Japan.

Mr. BORAH. Germany secured a leasehold, which was less of a right than that which Great Britain and France secured. There is no justification for the manner in which France and Great Britain or Japan or Germany secured their rights in China.

Mr. WILLIAMS. In that I agree absolutely with the Senator.

Mr. BORAH. If the Senator will bring that question before the Senate in such a way that the Senator from Idaho can act upon it, I will do the same with reference to those two countries that I am seeking to do with reference to Japan. I want China let alone. She is a great nation; I want her to work out her own destiny; I want to take the grip of France, Great Britain, and Japan off the throat of China, and I am perfectly willing to vote along those lines any time I have an opportunity to do so.

Mr. WILLIAMS. But, Mr. President, the fact remains that the Senator can not take off the grip of the other nations of the the civilized world from China, and now he is trying to take off the grip of only one of the great nations, and confesses that he is powerless to take off the grip of the others. I agree with the Senator that there has been by nearly every great nation in the world some degree of coercion upon China under the guise of treaties. Some of the treaties with China remind me of treaties that the United States Government used to make with the Indians, when it would call them up, lay the treaty before them, and tell them to sign it. That is about what has been done with China for a long time.

Mr. BORAH. That is what we are about doing to-day.

Mr. WILLIAMS. We first started the game in Japan by forcing Japan to open her ports to American commerce under the guns of our Navy. Now, the Senator says he would like to see China left alone. I do not know that I can go that far. I am rather inclined to think that the interpenetration of the civilized white races of the world has done China no harm, and will do her a great deal of good; but I have the same opinion that he has as to the manner in which the interpenetration has taken place; it has too frequently been at the mouth of a pistol under the guise of the words of the Prince of Peace, and very frequently it has followed up missionaries who were carrying the gospel of the Prince of Peace to the heathen. I agree with the Senator about that; but the point still remains that when the Senator insists upon what he is doing here he is insisting upon a discrimination against Japan in her dealings with China as compared with the dealings of all the other chief races of the world with China. That is the effect, whether or not that is his intent.

Mr. BORAH. The Senator from Idaho is confronted with the proposition of the Japanese; he is not confronted with the proposition of Great Britain or France. I do not hesitate to express my opinion of the activities of those two Governments in China, but I can only vote on the question which is before me, and that is the Japanese proposition. I would gladly express myself through the treaty-making power if I could with reference to the activities of France and Great Britain in China, but I can not do so. The other question is before us, and must I connive at the program, proceed with it to a further consummation than it has already proceeded, and become a party to it myself? That I do not propose to do.

Mr. WILLIAMS. I see the Senator's point, but the point does not go very well when one remembers that under the League of Nations all this matter may be brought in. The Senator might also insist that France and Great Britain and Italy and the United States—not as a government, but as a great many of our people have concessions there, mines, and so forth, and we are standing behind them—ought also to retire from China. Now, while I do not want us to retire from China, because I do not think it would be in the interest of the Chinese people that we should, I should like to see every foot of Chinese territory that has been taken by force or under a bludgeon or in front of a pistol restored to China; but the Senator can not do it, and I can not do it. Now, when he is faced with that status, why he should insist upon making an exception of Japan I can not understand.

Mr. BORAH. Japan makes the exception by coming here and asking the United States to do what Great Britain and France never asked her to do, and that is to ratify her wrong.

Mr. HITCHCOCK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I yield.

Mr. HITCHCOCK. In the reservation which the Senator is supporting nothing is done to assist China in getting back either her sovereign rights in Shantung or her economic interests. Am I right there?

Mr. BORAH. I think the only thing that is done is to exert a mere moral influence.

Mr. HITCHCOCK. Yes; but in this reservation which I have presented as a substitute, the Senator certainly will admit that if we adhere to it upon this condition, our adherence would only be made good in case Japan abdicates in favor of China all of the sovereign powers which she is now exercising. Am I not right?

Mr. BORAH. I am not so sure about that. I should like to look at it.

Mr. HITCHCOCK. I want to make that point clear—that in the one case we do absolutely nothing for China, either in the direction of securing back her economic rights or her sovereign rights; and while the reservation which I present may be criticized for not insisting that the economic rights shall be returned, it certainly goes to the extent of stating, as a condition upon which the United States ratifies this treaty, that Japan shall return the sovereign rights.

Mr. BORAH. No; that is the difficulty with the Senator's amendment. The Senator's amendment simply says—

That in advising and consenting to the ratification of said treaty the United States understands—

Mr. HITCHCOCK. Yes.

Mr. BORAH. That is all. We simply understand it in a certain way. Japan may understand it differently.

Mr. HITCHCOCK. Will the Senator please read the rest of it?

Mr. BORAH. Yes; I will:

The United States understands that the sovereign rights and interests renounced by Germany in favor of Japan under the provisions—

And so forth, naming them—

of said treaty are to be returned.

We understand that.

Mr. HITCHCOCK. We understand that. Now, suppose Japan accepts our ratification with that understanding. We have her promise, and we have the League of Nations in which to maintain it.

Mr. BORAH. Please leave out the last.

Mr. HITCHCOCK. Out of deference to the Senator, I will forget the League of Nations.

Mr. BORAH. All right; I wish the Senator would.

Mr. HITCHCOCK. But we will be in the position of having laid it down as a condition that Japan shall abdicate her sovereign rights in favor of China, and Japan accepts our understanding of the treaty when she permits us to ratify it with that understanding, and that becomes a contract between the United States and Japan. Now, has not China gained something by that, and what does China gain by the reservation the Senator is supporting?

Mr. BORAH. Mr. President, I do not think China gains anything by this unless Japan is of a mind to go ahead upon her own motion and carry it out. There is no condition. In other words, if Japan fails to carry it out, there is no provision in the amendment to the effect that we shall be considered as being released from the treaty.

Mr. HITCHCOCK. No; but, Mr. President, I repeat the question to the Senator: We make a reservation to the treaty. We deposit that reservation, and by its terms provide that Japan assents to it by failing to make a refusal to do so.

Mr. BORAH. Yes.

Mr. HITCHCOCK. Now, assuming that Japan has assented to our reservation, she has accepted our understanding; she has approved the interpretation which we have placed on the understanding. Is not Japan bound, as by a treaty, to do the thing which she accepts us as having stipulated?

Mr. BORAH. Let me ask the Senator a question. He says Japan assents to it. If the Senator from Idaho should conclude to vote for this amendment—and in choosing between two matters, both of which are unsatisfactory, I might very easily choose either—if the Senator from Idaho should choose to support this amendment, would the Senator from Nebraska support a resolution of ratification which would impose upon Japan the necessity of affirmatively accepting the terms of these reservations?

Mr. HITCHCOCK. Mr. President, in one respect the Senator from Nebraska is like the Senator from Idaho. He does not expect to vote for the resolution of ratification unless it contains some other things and unless some other things are eliminated from it.

Mr. BORAH. The Senator has said that Japan consents to this matter by remaining silent. Let me say here, Mr. President, that I do not accept that as of any worth whatever. To me it is utterly idle to talk about one nation invoking the law of estoppel against another nation. If we say to Japan, "We have put certain reservations in here, and if you remain silent



when the President deposits them we will consider you to have accepted them," to my mind it is an utter nullity.

Mr. HITCHCOCK. Mr. President, of course there is no tribunal, no court, that could enforce that upon Japan; but, taken in connection with the fact that Japan has made the promise stated by the President and that we have recited the condition in our ratification, if Japan permits the ratification to go into effect by her silence, does not the Senator think Japan would be in a position before all the world of having consented to that condition which we have imposed?

Mr. BORAH. No; I do not think she would be in any different position than she is now, because she has already given her word, according to the Senator. I think the Senator is mistaken as to what she has said, but if the Senator is correct as to her promise she would not be in any different position under this amendment.

Mr. HITCHCOCK. I think she would not only have made the original promise, but she would be in the attitude of seeing that we had accepted it, and of having assented to our acceptance of it.

Mr. BORAH. Why is not the Senator willing that this shall be attached to the reservation as an amendment?

Mr. HITCHCOCK. I am not willing to do so because I think Japan can not be held unless we put it in some form like this. I think that where Japan has made a statement we have the right to accept that statement, and tell her that we have accepted it, and put it in the document of ratification, and I believe then that Japan will make good on her promise; and I ask the Senator again, What is there in the reservation proposed by the Senator from Massachusetts that exacts anything of Japan, that does anything toward China recovering her sovereignty or anything else in the Shantung Province? Nothing at all.

Mr. BORAH. The United States withholds her assent to these particular sections and disapproves them. The moral influence of that, Chinamen think, will be very great. I think it will be very little.

Mr. HITCHCOCK. I agree with the Senator that it will be very little. In other words, it amounts to just this: We behold Great Britain and France and Italy and the other nations assenting to the transfer of Germany's interest in Shantung to Japan, and those countries have no promises from Japan, and we stand back and wash our hands of the matter and say that we will have nothing to do with the transaction. We are submitting to the rape of China; we are making no effort to protect China; whereas my reservation accepts the promises that Japan has made, and proposes to hold her to them. I think that is something substantial, Mr. President.

Mr. BORAH. If I thought this accomplished anything like what the Senator seems to think it accomplishes, I might view the matter in a different light than I do; but when you simply say that the United States understands that these sovereign rights are to be returned you express what the United States understands, and it does not bind Japan at all unless Japan affirmatively accepts it as her understanding of the treaty. The Senator is not willing to have that affirmative acceptance expressed through the usual diplomatic channels by Japan. He wants Japan to be bound merely by her silence, which, in my judgment, amounts to nothing. It does not change it at all.

If the Senator, in writing this understanding into the treaty, will then follow it by a reservation which will make it necessary for Japan affirmatively to accept and declare this to be also her understanding, then we will have arrived somewhere; but that is not the program now. The program now is to have the ratification based upon silence, simply if the other nations do not object within a certain time. To my mind that is utterly worthless. I regard that as of no moment whatever. You can not invoke the law of silence as a principle of estoppel against a sovereignty, and that is what they are attempting to do by this and the amendment to the preamble; and if this should go into the treaty, and the preamble as it is proposed to be changed should be changed, this would not amount to anything. In my judgment, it would be simply our understanding, and Japan does not consent to it at all.

Mr. LENROOT. Mr. President, will the Senator from Idaho yield for a question?

Mr. BORAH. Yes.

Mr. LENROOT. I should like to ask the Senator if it is not true that this alleged understanding does not and can not arise out of any of the terms of the treaty?

Mr. BORAH. Precisely. It arises out of a mere voluntary declaration upon our part, without any assent upon the part of Japan that it is her understanding also.

Mr. NORRIS. Mr. President, if my colleague [Mr. Hitchcock] is as anxious to help Japan as he would have us believe he is, I think I can suggest a change in his substitute that will

do some good. As it is, I believe it is a sham. It gives less to China than the pending reservation, and that means mighty little. He has now branched out as a friend of China, and the crocodile tears are not coming from this side. In order that the crocodile tears that he is shedding so profusely may have some effect and do some good, I should like to have him modify his substitute so as to make the ratification of the treaty on our part depend upon Japan turning over to China the sovereign and economic rights which she possesses there, and which she obtained by driving Germany out; and if he will do that, I shall be delighted to support the proposition.

My colleague's substitute simply says:

That in advising and consenting to the ratification of said treaty the United States understands that the sovereign rights and interests—

Now, that means the sovereign rights and the sovereign interests—

renounced by Germany—

I want to pause there to let the Senate understand just what that means—

the sovereign rights and interests—

The word "sovereign" modifies "interests" as well as it does "rights," so that there is nothing there except what is sovereign—

the sovereign rights and interests renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, or now exercised by Japan, are to be returned by Japan to China at the termination of the present war by the adoption of this treaty.

Mr. President, this illustration was given a while ago: Suppose that in this treaty we still retained the sovereign rights over Pennsylvania, but we had given to England or Japan the Pennsylvania Railroad and all the mines in Pennsylvania, and with them, of course, the right to protect the mines, to operate them, and to operate the railroad. Would there be very much left?

Take it in connection with Japan's history, as she has grasped little by little, year after year, the nation of Korea. The first thing that would happen would be that she would send there an army to protect the railroad and an army to protect the mines. She would pronounce laws and edicts that would make it impossible for a Chinaman to live there. Already in Shantung she is charging Chinamen a toll for crossing the railroad—a railroad built by the toil of Chinese. In order to go from one side to the other, on Chinese soil, they pay a toll. She is not claiming the sovereignty!

Mr. President, she will claim and she will obtain the sovereignty and everything else, as everybody knows, before she gets through. It is the history of those things. There is not an exception in the history of the world. It makes it impossible for the Chinese to resist any further encroachments that may be made.

Instead of saying "in advising and consenting," if my colleague will say "the United States withholds its ratification of the treaty until Japan turns over to China all rights of every kind that she obtained through her conquest and through her driving Germany out of China," then we will have a reservation that will amount to something. Then my colleague will be repaid for the bitter crocodile tears that he is shedding in behalf of poor China. It will accomplish something if we can get that.

Mr. President, we hear Senators even defending a crime on the part of Japan because in the years that have passed a crime has been committed by Great Britain and France. Is it any defense that because England has some concessions in China that she obtained wrongfully therefore we must give Japan some concessions that she obtained wrongfully? If the Senator from Washington [Mr. POINDEXTER] is charged with stealing my horse, is on that theory would be a good defense for him to prove that the Senator from Indiana [Mr. WATSON] had the day before stolen another one of my horses.

Mr. REED. May I inquire if the Senator from Nebraska has two horses?

Mr. MYERS. May I ask the Senator, if he has two horses, does he ever ride them both at the same time going in opposite directions? [Laughter.]

Mr. NORRIS. No; I am not a Democrat. [Laughter.]

The PRESIDENT pro tempore. The Chair desires to announce to occupants of the galleries that it is a violation of the rule of the Senate to manifest approval or disapproval of any remarks made on the floor of the Senate, and the Chair will enforce that rule.

Mr. NORRIS. Mr. President, I was asked whether I had two horses. Since the stealing of horses has been mentioned, I do not think I had better state in this company how many horses I have or where they are. [Laughter.] So I decline to answer.



Mr. MYERS. The Senator said he is not a Democrat, but I believe he will not deny that he is an irreconcilable, and they have pursued more different courses in relation to this treaty than anybody else I know of.

Mr. NORRIS. I think it is an honor on the matter of this treaty to be an irreconcilable. It is a badge of honor, as I look at it.

Mr. WATSON. May I ask the Senator a question?

Mr. NORRIS. Yes; if it is not about a horse.

Mr. WATSON. No. What will be the relationship existing between Japan and Shantung on the League of Nations; that is to say, in what respect will that relationship be changed from what it is now?

Mr. NORRIS. I am glad the Senator asked me that question. Those who are in favor of the treaty always come back and say, "Let us get the League of Nations, and then we will settle these matters." Mr. President, several of the great powers before the League of Nations agreed to divide up the world. England, France, and Japan reach out to get everything that is loose and has not been nailed down and that belongs to a weak country; and then they want to get the League of Nations. They do that in advance of the League of Nations, because they know that under this treaty and under the league that is in the treaty we guarantee their title. To my mind it is perfectly foolish to say that we will sign an agreement that, for instance, gives the world acknowledgment of the right of Japan to rule forever over Korea, and then after we have signed it expect Japan to give it up. There is no means provided, and you could not provide for a provision, by which anyone could initiate an action, for instance, to take Ireland away from England after we agree to this treaty. Is there any place where Ireland could go in this league and set up a plea that she ought to be freed from the control of Great Britain? Is there any machinery provided in the league by which Korea or Shantung could do that in reference to Japan? No, Mr. President, the reverse is true. The approval of this treaty puts the nail into every one of these coffins and drives it down and clinches it.

Mr. WATSON. Mr. President—

Mr. NORRIS. I yield to the Senator from Indiana.

Mr. WATSON. President Wilson said that during the progress of the council at Versailles whenever the question was approached touching the relationship of Japan to Shantung immediately Lloyd-George and Clemenceau withdrew to the other end of the room and permitted him to fight it out alone with the Japanese representatives. Of course, the reason for that is manifest. It was because they had a secret treaty and had had for many months with Japan by which Japan was to retain her hold on Shantung and by which England was to have all the islands in the Pacific Ocean south of the Equator, and other great territorial possessions were conceded to France and some to Italy. While they had their share of the swag it was very natural that they could not very well object to another nation holding her share of the swag, and therefore they declined to have anything to do with the conference touching Shantung. How will that relationship be changed after the League of Nations is formed?

Mr. NORRIS. It will not be changed.

Mr. WATSON. England still has what she got under the terms of that treaty; France still has what she got under the terms of the treaty; and very naturally they can not object to Japan holding what she got under the terms of the treaty while they themselves are holding stolen property.

Mr. NORRIS. In addition to what the Senator has said, when that time comes, if we approve this treaty as it stands now, we will do the same as England and the same as Japan. We will have approved it. When we approve the treaty we approve all those steals, we approve officially all those outrages. We will be estopped as well as those who have the swag and have a double interest in preventing any weak nation from getting its rights or its freedom after it has been taken over and the seal of approval placed upon the transaction by this treaty and this league.

Mr. WATSON. If this covenant were adopted as the President brought it back, we would not only approve it, but we would pledge to the world that we will furnish men and money to see that the status is maintained for all time to come.

Mr. NORRIS. Of course, it is our contract as well as everybody's else, and we are in honor bound to stand by it. Now, it is said that because somebody else robbed Shantung everybody else has a right to rob her. Mr. President, I presume you will admit that no protest was made and we did not go to war when England took over a part of China and France took over a part of China and got rights that they never ought to have had; got them in reality by force in the same way that Japan got them.

Some of the most disgraceful pages of history, it seems to me, are connected with the way England got her rights in China. We did not protest, we did not go to war, that is true; we did not shed any crocodile tears, but it never was before us for action. It may not be to our credit, but there is some difference in knowing that your neighbor has been robbed and not taking any steps to arrest the criminal, and a condition where you go in with the criminal and help to do the robbing. There is a difference in degree.

We are going to help commit the sin when we approve this document. We are not an innocent bystander now in this matter. It is up to us, and we must vote officially. We must act as a part of the great Government of the United States, and give our official approval to this instrument before it is binding as against the United States. That is vastly different from a case that may be outrageous and may be wrong, but with which we have had no connection. It does not follow that because you refuse to commit a wrong against your neighbor you will always go out of your way when your neighbor has a quarrel with somebody else and you are not in it or a part of it. It may be your duty as a high-class citizen to go to his help when your rights or your liberty are not interfered with. It may be to your dishonor and your disgrace if you do not, but we are not confronted now with that kind of a proposition. We are a part of the necessary operating machinery, and we are asked now to give our official approval to this infamy.

Mr. GRONNA. Mr. President—

Mr. NORRIS. I yield to the Senator from North Dakota.

Mr. GRONNA. The Senator has several times said that we are approving of this action if we agree to the treaty. I know that he means, if he understands the treaty and the covenant the same as I do, that we are not only approving it but we are binding ourselves to defend it; we are pledging our fortunes, our lives, and our sacred honor to defend whatever may come up in all the steals which the Senator has enumerated.

The Senator from Mississippi [Mr. WILLIAMS], if the Senator from Nebraska will pardon me, was twitting Members on this side of the aisle for not shedding crocodile tears and calling attention to the wrongful acts at the time Germany wrongfully took these possessions in China. I assume that every Senator here will admit that whatever was done at that time was a diplomatic transaction. The Senate did not have that proposition under consideration. I take it that the people of the United States were as ready and willing to condemn the wrongful action of Germany at that time as they are willing now to condemn the action of Japan in not only taking the property of the people of China, as the Senator has so well said, but placing herself in a position where ultimately she will be in possession of the sovereignty of that nation.

Mr. NORRIS. Mr. President, the Senator from North Dakota has well said that Germany acquired her rights there by means that were not honorable. She secured a treaty, it is true, like the other countries did, but she did it at the point of cannon. Nobody defends it. Nobody stands now in the civilized world anywhere and says that it was right; and yet the Senators who are behind this treaty give that very crime as a reason why we ought to commit another one.

Then there is another thing that they ought to remember. We supposed that we had reached a new day. I supposed, and I think the people of the United States did, that we had reached a time when we were going to turn over a new leaf, as it were, when civilization was going to do what was right, open and aboveboard, "open covenants openly arrived at," the abolishment of secret compacts, the nonrecognition of secret treaties, a pledge that we would not take possession of another country and annex it without the consent of the people of that country. These other things happened in the old days, before the days of Woodrow Wilson and his 14 points. Now we are living in a new age, and yet you are going to commit crimes and permit crimes and condone crimes based on the precedents established in the old days of barbarism before we turned over the new leaf.

Mr. President, personally I care very little about this reservation. In my judgment the so-called Lodge reservation will have nothing but a moral effect and I support it on that ground. It may do a great deal more good than I think it will. Sometimes a step taken like that by a great nation does have a great effect upon history. It may be a shining light along the pathway of nations by which they will point to the proposition that the great American Government refused to put its official stamp on such a damnable and accursed international crime as was committed on China. In that way it may do some good; I hope it will. At least it is better than nothing. In my judgment we are doing far from our duty. We ought to throw this treaty out of the window until all such things as this are eliminated.



I would be glad to support the substitute if its author would provide that we shall withhold our consent to the treaty until the things that belong to China are returned to China.

Mr. SHERMAN. Mr. President, the only right under the treaty of 1898 is a leasehold right for 99 years. That would give, under the peculiar status that a tenant government has, a mere right to occupy and to possess such property as may be attached to the territory covered by the lease. Ordinarily a government does not exercise sovereign powers over leasehold property acquired by treaty or negotiation similar to that of 1898. However, Japan, entering under the treaty of 1898, which is in one sense interpreted by those who favor these articles in the treaty as a mere lease, attempts to exercise, and does exercise in fact, all the attributes of sovereignty. The railroad property, the port property, wharves, warehouses, forts, barracks, public buildings designed for the storage of provisions and ammunition, were all erected by Germany following their entry into that territory in 1898 or 1899.

There are vast improvements that returning travelers of recent date speak of in very emphatic terms in Shantung. They were erected by Germany following her acquisition under this so-called lease. On the shore there are forts builded of stone quarried and built into shot-proof walls. They are pierced for heavy ordnance to defend the point against attack from the seaward side. There are forts built inland capable of defense against the heaviest artillery that has ever seen the soil of China. Nothing short of modern German ordnance would pierce their defenses. The railroads, together with the initial point on tidewater and their terminals in the far interior of this peninsula, builded by Germany, with warehouses, depots, and other railway buildings, are erected with a view of permanent occupation.

The police that patrol the railways and public property claimed by Germany in the peninsula are men belonging to the Japanese Reserve Army. They are no more police than a Regular Army soldier is who would be detailed for police service in the city of Washington. It is in pursuance of a preconceived and well-determined plan by Japan that the police, under the guise of protecting their property covered by this lease, shall be drawn from regular army soldiers, and they are governing the property under the guise of protecting it. Ordinarily a government exercises no sovereign power in a mere leasehold, but Japan to-day is exercising all the rights of a sovereign government over Shantung.

Mr. HITCHCOCK. Mr. President—

Mr. SHERMAN. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I think the Senator has correctly stated the situation as it is. I think, however, he did not go far enough with regard to the German occupation, for while there is some doubt as to the phraseology of the original German lease as to the exercise of sovereign powers by Germany, there is no doubt that it excluded the exercise of sovereign powers by China over a part of the leasehold estate.

Now, I ask the Senator, believing as he does, and as I do, that Japan is exercising sovereign powers in the Shantung Province, is it not wise for us in preparing this reservation to take her at her word and accept her agreement to abandon the exercise of those sovereign powers and turn them back to China?

Mr. SHERMAN. Neither the lease nor the treaty, if I were to treat them as synonymous, gives to Japan the right to exercise the sovereign powers I have described. The right is given in the treaty of 1898 or 1899 to exercise only such powers as are necessary to preserve and police the property acquired under the treaty. That treaty does not undertake in terms, nor can such authority be necessarily implied from a reading of it, to confer upon Japan the power of general sovereignty and to govern 38,000,000 of people who reside in that peninsula; and that is the power that can not be covered by such an amendment as that offered by the Senator from Nebraska.

Mr. HITCHCOCK. I think the Senator from Illinois has not heard my amendment or he would not speak along the line that he is speaking. Allow me to read the amendment as I have perfected it.

Mr. SHERMAN. I have heard the amendment read twice, but I am willing to hear it a third time.

Mr. HITCHCOCK. My amendment now reads:

That in advising and consenting to the ratification of said treaty the United States does so with the understanding that the sovereign rights and interests renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, or now exercised by Japan, are to be returned to China.

Does not that cover the sovereign powers which Japan is exercising, and does not the Senator favor that proposition?

Mr. SHERMAN. The Senator is specious without covering the point that is in controversy. According to the reading of the amendment it is intended to cover the powers—taking them

in their reverse order—exercised by Japan or acquired through the renunciation by Germany of her rights in the peninsula. Those are the two points covered, if I have heard, on the third reading, this amendment correctly. The one is the renunciation of the power or the sovereignty conferred by treaty on Germany and conveyed or released by Germany to Japan under this treaty; the other is the power or sovereignty exercised by Japan at this time.

The exercise of the power of sovereignty by Japan is something that is entirely apart from the granted powers in the original treaty of 1898 or the renunciation of those powers by Germany. It is a usurped power, and the Senator seeks to cover that usurped power under this amendment by providing that the power exercised shall not be included within the terms of the three articles, 156, 157, and 158.

Mr. President, there are involved in this question not merely the powers exercised by Japan at this time but the property they own. It does not make any difference what the language of the amendment may be, Japan has succeeded to the property rights. The Senator only anticipated what I wish in a moment to say on that subject. The property rights of Japan have been acquired by succession to the property rights of Germany in the peninsula. It makes no difference what kind of power individually as a tenant or as a sovereignty they exercise over the property; so long as they retain the property they will exercise the power regardless of anything that may be done in treaties or reservations or amendments that we may make, because of the language—and I call particularly the Senator's attention to this language in article 157:

The movable and immovable property owned by the German State in the territory of Kiaochow, as well as all the rights which Germany might claim in consequence of the works or improvements made or of the expenses incurred by her, directly or indirectly, in connection with this territory, are and remain acquired by Japan.

Whatever powers she exercises, whether as a mere leasehold tenant or as a sovereign, inhere in this property; and so long as she retains the property and polices it, the amendment offered by the Senator from Nebraska avails nothing. Follow that up by article 158, which provides:

Germany shall hand over to Japan within three months from the coming into force of the present treaty the archives, registers, plans, title deeds, and documents of every kind, wherever they may be, relating to the administration, whether civil, military, financial, judicial, or other, of the territory of Kiaochow.

So long as Japan holds the title deeds and public archives and other documents relating to this property, so long as she owns the property and polices it, and puts her soldiers in the forts and warehouses and the ports, and sends her navy into the waters adjacent to those shores to hold it, how is the power she is exercising now to be released by such an amendment? It is wholly futile.

The junior Senator from Nebraska [Mr. NORRIS] reached the substantial part of this controversy when he stated the result of our approving the treaty with articles 156, 157, and 158 in it. There is a marked difference between neutral inaction and active approval. By voting to ratify the treaty with these articles in it we approve the wrong. The wrong perpetrated in 1898—if it be one, as some of us urge—we did not then condemn, because we were not called upon to break the neutrality in Asia and did not do so. There is so marked a distinction between neutrality or the lack of action and active approval expressed in ratifying a treaty in which the action of 1898 is confirmed as to require no argument more than the statement of the conditions.

It is urged here, Mr. President, with considerable pertinacity that because in 1898 we did not protest we are now estopped. I never heard it urged before any tribunal from the time of the congress of Vienna up to the Paris conference, including all of our many disputes upon both shores—the Bering Sea controversy of some years ago, the Geneva arbitration, or at any gathering where international law was discussed—that a nation could be bound in any such way. The doctrine of equitable estoppel never applies to a nation and can not bind a sovereignty. That is all the proposed amendment would do, the idea apparently being that the transaction occurred in 1898 or 1899; we did not protest; and standing by and saying nothing, that thereby we are now bound and must actively and affirmatively approve something that happened then merely because we did not object to it.

Many things have happened in the world's history in comparatively recent years that we have not approved actively nor disapproved actively but in connection with which we have remained simply neutral, with the inaction that follows such a course. The Franco-Prussian War, beginning in 1871, was fought; Alsace and Lorraine were detached from French territory and held by the Kaiser's father until restored to France under the pending treaty, and the Crimean War was



fought in 1853. We protested in none of those instances; we said nothing when Alsace and Lorraine were taken by Bismarck under the Paris treaty of 1871; we said nothing as to what occurred in the Crimean War; no protest issued from us. At no time, in South Africa, when Great Britain was prosecuting war against the people of the Transvaal and the interior, did we raise any protest against the extinguishing of the hopes of that population for independence; neither did we complain nor was anything heard from us in 1913, the year before the World War began, when Albania was divided, when the greater part of her territory and her population, of alien religion and of an entirely different faith, were put under the care of Serbia, Greece, and Montenegro. In 1913 that whole country was detached and put under a hostile government, but we never said anything; yet we are not bound by that action to-day. If we are bound by it, the fate of Albania is sealed, and there is nothing more to be said upon that subject.

In 1917, Mr. President, there was matured and established by the British Government a protectorate over Persia. It is well understood that they are making it a defensive border State against the northern boundary of British East India. We have not protested against the Persian protectorate; we have not protested in the case of South Africa; we have protested against none of the world-wide changes which have taken place before or since 1870. Such changes can literally be numbered by the hundreds; but at no place along the line have we protested by any act of ours, through any diplomatic representative, through any resolution of either House. Through no effort of ours have we ever by any means bound ourselves or sought to interfere or to be bound by our mere neutral inaction. This is the first time that I have heard that we can be bound in that way. I attach no importance to that except as a matter of argument; but morally, so far as there is an argument in it, it can not be urged here against the rejection of these three articles.

We are told by eminent authority that the only binding efficacy there is in the League of Nations is a moral obligation.

Mr. GORE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Oklahoma?

Mr. SHERMAN. Yes.

Mr. GORE. The Senator might add to the great array of precedents the invasion of Belgium by Germany in 1914. No one in America approved of that, but there was no formal protest on the part of our Government.

Mr. SHERMAN. Not in the least, although it violated The Hague convention of 1907, and although in August, 1914, when the invasion of Belgium was begun, we were at least morally bound, if bound in no other way, to preserve Belgium as a neutral State. However, we not only did not protest, but we maintained in respect of that violation the same neutral inaction we have maintained as to many other world events, and because the League of Nations is a mere moral obligation, if it has any efficacy whatever, we had as well say that morally we can not be bound by neutral inaction.

Therefore I shall vote against the amendment of the Senator from Nebraska and shall vote for the original reservation.

The PRESIDENT pro tempore. The question is upon the amendment in the nature of a substitute offered by the Senator from Nebraska for reservation No. 6 proposed by the committee.

Mr. KING. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Beckham	Gerry	Knox	Ransdell
Borah	Glass	Lenroot	Reed
Brandegee	Gore	Lodge	Sheppard
Calder	Gronna	McCormick	Sherman
Capper	Hale	McLean	Shields
Chamberlain	Harris	McNary	Simmons
Colt	Henderson	Moses	Smith, S. C.
Culberson	Hitchcock	Myers	Spencer
Cummins	Johnson, S. Dak.	New	Sterling
Curtis	Jones, N. Mex.	Norris	Sutherland
Dillingham	Jones, Wash.	Nugent	Thomas
Edge	Kellogg	Overman	Townsend
Elkins	Kendrick	Phelan	Trammell
Fletcher	Keyes	Phipps	Warren
Frelinghuysen	King	Pittman	Watson
Gay	Kirby	Polindexter	Wolcott

The PRESIDENT pro tempore. Sixty-four Senators have answered to their names. There is a quorum present.

Mr. SHERMAN. Mr. President, I wish to have read, as one of the reasons why probably we have not interfered in some of these world-wide matters, copies of two telegrams, one in 1916 and the other in 1917, remembering that we declared war in April, 1917.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested.

The Reading Clerk read as follows:

THE WHITE HOUSE, January 27, 1916.

His imperial majesty the EMPEROR OF GERMANY,  
Berlin:

I take pleasure in extending to your majesty cordial greetings on this birthday anniversary, with assurances of my own high regard and good will.

WOODROW WILSON.

THE WHITE HOUSE, January 27, 1917.

His imperial majesty WILLIAM II,  
German Emperor, Berlin:

Permit me to extend to your majesty the cordial felicitations of the Government of the United States and my own personal greetings on this anniversary.

WOODROW WILSON.

The PRESIDENT pro tempore. The question is on the amendment, in the nature of a substitute, offered by the Senator from Nebraska [Mr. HITCHCOCK] to reservation No. 6, as amended.

Mr. HITCHCOCK. Mr. President, before the substitute is voted upon I desire to strike out the word "understands" and insert "with the understanding."

The PRESIDENT pro tempore. The Secretary will state the substitute as it will read with the modification just made.

The Assistant Secretary read as follows:

That in advising and consenting to the ratification of said treaty, the United States does so with the understanding that the sovereign rights and interests renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, or now exercised by Japan, are to be returned by Japan to China at the termination of the present war by the ratification of this treaty.

The PRESIDENT pro tempore. The question is on the amendment, in the nature of a substitute, as modified, offered by the Senator from Nebraska to reservation No. 6, as amended.

Mr. LODGE. On the substitute I ask for the yeas and nays. The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Having a general pair with the senior Senator from Maryland [Mr. SMITH], who is absent, I am compelled to withhold my vote.

Mr. EDGE (when his name was called). In the absence of my pair I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. BALL], who appears to be absent, and I am unable to obtain a transfer. If at liberty to vote, I should vote "yea."

Mr. JOHNSON of South Dakota (when his name was called). I have a general pair with the Senator from Maine [Mr. FERNALD]. As he is absent on official business, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. JONES of Washington (when his name was called). Referring to the previous announcement of my pair, I transfer it to the Senator from California [Mr. JOHNSON] and vote "nay."

Mr. GRONNA (when Mr. LA FOLLETTE's name was called). I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. If present, he would vote "nay." On this question he is paired with the Senator from Ohio [Mr. POMERENE].

Mr. KENDRICK (when his name was called). I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. PHIPPS (when his name was called). I have a pair with the junior Senator from South Carolina [Mr. DIAL]. In his absence, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. SPENCER (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. McKELLAR]. I transfer that pair to the junior Senator from Massachusetts [Mr. WALSH] and vote "nay."

Mr. THOMAS (when his name was called). I am informed that my pair, the senior Senator from North Dakota [Mr. McCUMBER], if present would vote as I intend to vote upon this substitute. I therefore feel at liberty to vote. I vote "nay."

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to my colleague, the junior Senator from Michigan [Mr. NEWBERRY] and vote "nay."

Mr. WILLIAMS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE], who is detained from the Senate by illness. I transfer that pair to the junior Senator from Kentucky [Mr. STANLEY] and vote "yea."

The roll call was concluded.



Mr. DILLINGHAM. I transfer my pair with the senior Senator from Maryland [Mr. SMITH] to the senior Senator from North Dakota [Mr. McCUMBER] and vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Minnesota [Mr. NELSON] with the Senator from Mississippi [Mr. HARRISON].

The result was announced—yeas 27, nays 41—as follows:

YEAS—27.			
Beckham	Henderson	Nugent	Smith, Ga.
Chamberlain	Hitchcock	Overman	Smith, S. C.
Culberson	Jones, N. Mex.	Phelan	Trammell
Gay	Kendrick	Pittman	Walsh, Mont.
Gerry	King	Ransdell	Williams
Glass	Kirby	Sheppard	Wolcott
Harris	Myers	Simmons	
NAYS—41.			
Borah	Gore	McLean	Spencer
Brandegge	Gronna	McNary	Sterling
Calder	Hale	Moses	Sutherland
Capper	Jones, Wash.	New	Thomas
Colt	Kellogg	Norris	Townsend
Cummins	Kenyon	Page	Wadsworth
Curtis	Keyes	Poindexter	Warren
Dillingham	Knox	Reed	Watson
Elkins	Lenroot	Sherman	
France	Lodge	Shields	
Frelinghuysen	McCormick	Smoot	
NOT VOTING—27.			
Ashurst	Harding	Nelson	Smith, Ariz.
Ball	Harrison	Newberry	Smith, Md.
Dial	Johnson, Calif.	Owen	Stanley
Edge	Johnson, S. Dak.	Penrose	Swanson
Fall	La Follette	Phipps	Underwood
Fernald	McCumber	Pomerene	Walsh, Mass.
Fletcher	McKellar	Robinson	

So Mr. HITCHCOCK's amendment as modified, in the nature of a substitute for reservation No. 6 as amended, was rejected.

The PRESIDENT pro tempore. The question now recurs on reservation No. 6, as amended.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. EDGE (when his name was called). I have a general pair with the junior Senator from Oklahoma [Mr. OWEN]. I am informed that if present he would vote on this question the same way that I shall vote, so I feel at liberty to vote. I vote "yea."

Mr. FLETCHER (when his name was called). Announcing my pair as before, and being unable to obtain a transfer, I withhold my vote.

Mr. JOHNSON of South Dakota (when his name was called). Making the same announcement that I made before, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. JONES of Washington (when his name was called). Again announcing the transfer of my pair to the Senator from California [Mr. JOHNSON], I vote "yea."

Mr. KENDRICK (when his name was called). I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Arizona [Mr. SMITH], and vote "nay."

Mr. GRONNA (when Mr. LA FOLLETTE's name was called). As I have heretofore announced, the Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. If present and at liberty to vote, he would vote "yea." He is paired with the senior Senator from Ohio [Mr. POMERENE].

Mr. SPENCER (when his name was called). Making the same announcement as on the previous roll call, I vote "yea."

Mr. THOMAS (when his name was called). I am informed that my pair, if present, would vote in the affirmative upon this reservation, and I therefore feel at liberty to vote. I vote "yea."

Mr. TOWNSEND (when his name was called). I repeat the announcement of my pair and its transfer, and vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the announcement made upon the last vote with regard to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I transfer my pair with the senior Senator from Maryland [Mr. SMITH] to the Senator from North Dakota [Mr. McCUMBER] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Minnesota [Mr. NELSON] with the Senator from Mississippi [Mr. HARRISON]; and

The Senator from Colorado [Mr. PHIPPS] with the Senator from South Carolina [Mr. DIAL].

The result was announced—yeas 48, nays 21, as follows:

YEAS—48.			
Borah	Frelinghuysen	McCormick	Sherman
Brandegge	Gore	McLean	Shields
Calder	Gronna	McNary	Smith, Ga.
Capper	Hale	Moses	Smoot
Chamberlain	Henderson	Myers	Spencer
Colt	Jones, Wash.	New	Sterling
Cummins	Kellogg	Norris	Sutherland
Curtis	Kenyon	Nugent	Thomas
Dillingham	Keyes	Page	Townsend
Edge	Knox	Pittman	Wadsworth
Elkins	Lenroot	Poindexter	Warren
France	Lodge	Reed	Watson
NAYS—21.			
Beckham	Hitchcock	Phelan	Walsh, Mont.
Culberson	Jones, N. Mex.	Ransdell	Williams
Gay	Kendrick	Sheppard	Wolcott
Gerry	King	Simmons	
Glass	Kirby	Smith, S. C.	
Harris	Overman	Trammell	
NOT VOTING—26.			
Ashurst	Harrison	Newberry	Smith, Md.
Ball	Johnson, Calif.	Owen	Stanley
Dial	Johnson, S. Dak.	Penrose	Swanson
Fall	La Follette	Phipps	Underwood
Fernald	McCumber	Pomerene	Walsh, Mass.
Fletcher	McKellar	Robinson	
Harding	Nelson	Smith, Ariz.	

So reservation No. 6 as amended was agreed to, as follows:

6. The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles.

Mr. LODGE. Mr. President, I now move to substitute for reservation No. 7 as it passed the Senate, the language printed on the second page of the reservation, which I will ask the Secretary to read. I move to strike out all the reservation as originally offered and to insert the words on page 2.

The PRESIDENT pro tempore. The Secretary will report the proposed substitute for reservation No. 7.

The Assistant Secretary read as follows:

No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible, as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

Mr. LODGE. Mr. President, the amendment proposed in the nature of a substitute has precisely the same effect as the original reservation. It is merely stated in a briefer and more condensed form, but is equally effective.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from Massachusetts a question. It seems to me that there is a defect in the substitute as presented by the Senator, and that there is a decided difference in one respect between the original reservation and the proposed substitute.

Mr. LODGE. If the Senator will point out to me any defect or weakness in the substitute, I will withdraw it.

Mr. HITCHCOCK. I call the Senator's attention to the fact that in the opening sentence of the original reservation it was stated that—

The Congress of the United States will provide by law for the appointment of the representatives of the United States in the assembly and the council of the League of Nations.

Mr. LODGE. Yes; that is the way my reservation had it.

Mr. HITCHCOCK. In the substitute presented here there is no provision of that sort.

Mr. LODGE. There is not. It was drafted, as the Senator knows, by the Senator from Montana [Mr. WALSH].

Mr. HITCHCOCK. It seems to me that there ought to be assurance given that the Congress will provide by law for such representatives.

Mr. LENROOT. Mr. President—

Mr. LODGE. I yield to the Senator from Wisconsin.

Mr. LENROOT. It was, as the Senator from Massachusetts states, not only drafted by the Senator from Montana [Mr. WALSH] but urged by the Senator from Nebraska [Mr. HITCHCOCK].

Mr. HITCHCOCK. I object to having Senators represent what I did or what I said. I did not say and do that thing.

Mr. LODGE. I do not wonder that the Senator objects.

Mr. HITCHCOCK. I object very seriously to misrepresentation of my action upon this floor.

Mr. KNOX and Mr. LENROOT addressed the Chair.

The PRESIDENT pro tempore. The Senator from Massachusetts has the floor. To whom does he yield?

Mr. LODGE. I yield to the Senator from Pennsylvania.

Mr. KNOX. I merely wanted to observe, without any reference to the controversy as to what transpired between Senators with relation to the formation of this substitute, that I think there is great merit in the position taken by the Senator from



Nebraska [Mr. HITCHCOCK]. I think it ought distinctly to provide that the Congress of the United States shall by law determine its representatives.

Mr. LENROOT and Mr. HITCHCOCK addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Massachusetts yield?

Mr. LODGE. I yield first to the Senator from Wisconsin.

Mr. LENROOT. I want to ask the Senator from Nebraska whether he questions my statement that this proposed substitute was drawn by the Senator from Montana [Mr. WALSH] and presented to the bipartisan conference as the proposal of the Democratic members of that conference, including the Senator from Nebraska, and accepted by the Republicans?

Mr. HITCHCOCK. Mr. President, I want to say once for all time that I did not accept or bind myself to abide by anything done in that bipartisan conference. I want to say now once for all, and I hope it will not be necessary to say it again, that we all agreed that everything presented and everything passed was to be considered as merely tentative and not to go into effect until everything had been covered, and that when we reached some of the reservations we found an utter inability to come to any agreement.

To this extent, what the Senator from Wisconsin says is true. I did approve of the idea of abbreviating this particular reservation. It seemed to me that in the interest of good English it should be abbreviated. But I do not stand in opposition to the idea that the Congress should by law provide for the duties and powers of the representatives of the United States. I merely asked the Senator from Massachusetts why that should not be included. He stated that it was intended to include in this brief paragraph everything that was in the paragraph above, only in a briefer form. Now, why, if we are in good faith, should it not be stated that the Congress of the United States will provide by law for the representatives upon the various boards and commissions under the treaty? I am not seeking a controversy over this matter. I assumed that the Senator from Massachusetts would like to have this brief compendium of the reservation include anything of material interest which was in the original reservation.

Mr. LODGE. Mr. President, I think those first lines were very proper. In fact, I think our original reservation was very good, though no doubt abbreviating it may have improved it. But I took what the Senator from Montana [Mr. WALSH], for whose legal ability I have great respect, had drawn, and what the Democrats in the conference, who were not bound at all, asked for. I observed what they had left out, but our object was to please them, and so we took what they had prepared. I think my original provision was much better.

Mr. LENROOT. Will the Senator yield?

Mr. LODGE. Certainly; I yield the floor.

Mr. LENROOT. I have never said that, in my opinion, the Senator from Nebraska [Mr. HITCHCOCK] or any member of the bipartisan conference was bound; indeed, I stated this morning on the floor of the Senate expressly to the contrary, but I do say that the Senator from Nebraska and his colleagues did object to the original reservation and they were invited to present to that conference an alternative. The Senator from Montana did present the reservation that the Senator from Massachusetts now offers, and the Senator from Nebraska asked the Republican Members to tentatively accept it, which we did, exactly in the words in which it is now presented.

Mr. BORAH. Mr. President, do I understand that the Senator from Massachusetts is going to amend or withdraw?

The PRESIDENT pro tempore. The Chair is not advised.

Mr. LODGE. As objection has been made on the other side by those who desired it and accepted it, and who now prefer the original wording, I think I might as well withdraw every attempt to improve it and to take it as it stands.

Mr. BORAH. Very well.

The PRESIDENT pro tempore. Does the Senator from Massachusetts withdraw the proposed substitute?

Mr. LODGE. I withdraw the modification or substitute and ask for a vote on the original reservation.

The PRESIDENT pro tempore. The question is on reservation No. 7, as reported by the committee.

Mr. WALSH of Montana. Mr. President, if I am in order for the purpose of saying something upon the matter, I renew the offer of the amendment tendered by the Senator from Massachusetts.

I merely desire to say that everybody did agree substantially upon the matter to which the Senator from Nebraska [Mr. HITCHCOCK] has now called attention, and the amendment is in effect exactly the same as that for which it is offered as a substitute. That was the purpose. It was not the intention

to change the meaning of the reservation in any particular at all, but there was a view entertained, I think, perhaps quite generally in the bipartisan conference that the reservation as originally reported was unnecessarily prolix, and that the ideas could perhaps be adequately expressed by the use of less language. I did undertake, not to change it in any particular, but to reduce it in extent by using fewer words.

It is not expressly provided in the proposed substitute that Congress will provide the necessary legislation, and that is recited in the original reservation. But, Mr. President, with all deference to the opinion of the Senator from Nebraska [Mr. HITCHCOCK] with reference to that matter, I do not think it is necessary at all, because whenever we enter into a treaty with a foreign power that the Government of the United States will do certain things and legislation by the Congress is necessary to accomplish it, we necessarily enter into an agreement that Congress will enact the necessary legislation. Take the seal-fisheries treaty, for instance. The Government of the United States agreed to divide the pelts that are annually killed with the other nations subscribing to the treaty in a certain proportion, but in order to carry out that agreement legislation by Congress is necessary. We must appoint a commission to make the division, and in the legislation we must direct how the division shall be made.

So when we agreed with other powers for the creation of a certain commission upon which the United States is entitled to representation, and we also provide that no one can sit as a representative of the United States until he is authorized to do so by an act of Congress, we necessarily agree that Congress will provide the necessary legislation. I do not think that the effect is changed in the slightest degree nor that there is anything of substance in the original draft which is omitted from the new draft. In my own judgment, the amendment tendered by the Senator from Nebraska does not add in any degree whatever to the obligation.

Mr. HITCHCOCK. Mr. President, I have not tendered any amendment. I merely called attention to the fact that the Senator from Massachusetts [Mr. LODGE] stated that this proposed substitute included everything that was in the original reservation. I called his attention to the fact that this matter was omitted. It is rather binding to say that—

No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States, providing for his appointment and defining his powers and duties.

It seems to me that that alone, without the statement that the United States will act indicates a purpose not to act and to nullify the ratification of the treaty. Inasmuch as the language was in the original reservation containing a promise that Congress would act, it seemed to me it would be proper to put it in the pending substitute. Do I understand that the Senator from Montana would not accept such an amendment?

Mr. WALSH of Montana. I have not the slightest objection to it. My own idea about it is that it does not add anything to it. I pause to say that I have exactly the same view about the original reservation. It provides that no one will be entitled to represent the United States upon any of these commissions until Congress by appropriate legislation provides for the appointment of the member and tells how he is to be appointed. That would be the operation without the reservation at all. In the first place, the reservation as it originally stood is entirely meaningless. You do not add to nor subtract anything from the treaty, as it would be the same as if you never adopted a reservation on that subject. I have exactly the same view with respect to the suggestion now made by the Senator from Nebraska. You do not either add to or subtract anything from it. So it is a matter of indifference to me whether the express provision is put in the substitute or not.

Mr. SMITH of Georgia. Mr. President, I hope we will adopt the substitute offered by the Senator from Montana [Mr. WALSH] without any change. Our conferees got together upon it. If we are really serious in desiring to reach a place where we can ratify the treaty, here is the place to show it. I think that the substitute offered by the Senator from Massachusetts ought to have been accepted, and now that it is offered by the Senator from Montana I hope we will all vote for it.

Mr. NORRIS. Mr. President, I think it would throw a great deal of light on the situation if we could have before the Senate the official report of the Versailles conference No. 2, at which this open covenant was openly arrived at. The substitute contains two propositions, as I understand it. It seems to me that they are contradictory. The first one is that—

No person is or shall be authorized to represent the United States—



That contradicts the next one, or it leaves us without representation forever. It goes on then and gives the other clause—nor shall any citizen of the United States be eligible as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of Congress—

And so forth.

It begins with the assertion that no person shall represent the United States, and then it provides that no citizen shall represent the United States unless it is provided for by law. It leaves out of what is in the original proposition, in addition to that difficulty, that whoever is selected or appointed to represent the United States on any of these boards must be confirmed by the Senate.

Mr. BORAH. Mr. President—

Mr. NORRIS. I yield to the Senator from Idaho.

Mr. BORAH. I wondered if we could not have a caucus to determine what we are going to do upon this matter.

Mr. NORRIS. Would the Senator have it open, openly arrived at?

The original reservation provides that not only shall Congress provide by law—and it is made the duty of Congress so to do—for representation, but it provides, to a certain extent, that one of the provisions that must be in that law is that the appointments must have the confirmation of the Senate. Under the substitute, a law can be passed that will provide for the appointment of representatives on any of these boards without such confirmation; the power of appointment can be given to the President absolutely or it can be given to somebody else absolutely. It seems to me that if we must have these boards, we ought to surround them with all the proper safeguards that will give us the right kind of national representation. Senators in the past have been jealous of their rights to have a part in the appointment of officials to represent the United States, but if this substitute is adopted we make it possible for that right to be taken away.

Mr. LENROOT. Mr. President, will the Senator yield to me?

Mr. NORRIS. I yield.

Mr. LENROOT. If the original reservation were adopted providing for confirmation, and a law should be subsequently passed providing for appointment without confirmation, which does the Senator think would control?

Mr. NORRIS. I can not conceive of Congress passing a law that will be on its face a plain violation of a solemn treaty. This becomes a part of the treaty, and it states that these appointments must be confirmed by the Senate.

Mr. LENROOT. I should like to ask the Senator whether he thinks the Senate would ever pass a law which did not provide for confirmation?

Mr. NORRIS. I can see a condition that might arise where the Senate would be driven into that very position exactly. We might get into a deadlock where we should have to recede from such a proposition in the enactment of a law or not have any law, and we might be in a position where Congress would be, as it has, to a greater or lesser extent, been in the past, a rubber stamp of an Executive, who might demand a certain kind of a law. When such a law is once upon the statute books, in order to change it, it would require the consent not only of the Senate, but of the House of Representatives and of the President as well.

The PRESIDENT pro tempore. Did the Senator from Montana propose the reservation which was withdrawn by the Senator from Massachusetts [Mr. LODGE]?

Mr. WALSH of Montana. I did.

The PRESIDENT pro tempore. The question is upon the substitute offered by the Senator from Montana for the reservation reported by the Committee on Foreign Relations.

Mr. WALSH of Montana. If the Senator from Massachusetts desires to renew his motion, I shall be glad to withdraw mine.

Mr. LODGE. Mr. President, as the substitute which I offered has been objected to by those who proposed it, I think it is safer to hold to the original reservation, because it says "Congress will provide by law," which I think is proper. It also makes it clear—and in this respect I think the substitute is somewhat doubtful—that by the treaty these officials must all be subject to the approval of the Senate. I think the reservation as originally drawn is better in that regard. I agreed to the substitute, as I did to others, because I thought it would advance agreement in the Senate; but as those who offered it do not agree about it I think it is safer to adhere to the original reservation.

Mr. REED. I move to amend the substitute by adding at the end thereof the following words:

And no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils or conferences except with the approval of the Senate of the United States.

The PRESIDENT pro tempore. The question is upon the amendment to the substitute which is proposed by the Senator from Missouri.

Mr. LODGE. One moment, Mr. President. That brings it back substantially to the form of the original reservation, except that it leaves out the provision that Congress shall provide by law for the appointment.

Mr. REED. Yes; and it makes perfectly plain—and that is what I desire to emphasize—that the substitute does entirely omit to express the determination that the Senate must advise and consent.

Mr. LODGE. Mr. President, I have no objection to the substitute with the amendment of the Senator from Missouri added, because then it certainly covers all that we desire to cover. There is no difference in the purpose of the two reservations, and I do think the provision in regard to the approval of the Senate is very important.

Mr. TOWNSEND. Mr. President, I hope that the substitute offered by the Senator from Montana [Mr. WALSH] will be adopted. Who constituted the conference I do not know, but I understand it was the desire of the Senators who attended it to arrive at some kind of compromise, without sacrificing any principle that has been advocated by Senators on either side of the Chamber. One Senator on the other side has risen and objected; but I do not take it that that means that the other members of that conference have objected. I agree with the Senator from Montana that this condensed substitute covers all that we desire.

We are to enact a law providing for the appointment of the men who are to serve on these various commissions and on the council. It is unreasonable for me to believe that that law would not provide what is usually provided in such cases. I do not think we have to go into the A B C class in order to state what is intended by the Senate. It is clear to me—and I am of very ordinary intelligence—and I think it is clear to other Senators. I should like to see this proposition which has been put forward on the other side receive a vote in the Senate at least, and I hope the Senator from Montana will not withdraw it, but will give us an opportunity, at any rate, to vote on the proposition.

Mr. LODGE. Does the Senator from Michigan object to inserting a provision providing for the approval of the appointments of these officials by the Senate? Such a provision is usually embodied in our legislation.

Mr. TOWNSEND. I should not object to that; but I do not think it makes any difference whether or not such a provision is inserted. If, however, there has been an agreement on this proposition, with the exception of one Senator, I should like to have the proposition submitted to the Senate, because I am inclined to believe that that is exactly what would have to be done; that there would have to be action by the Senate in confirmation of such appointments.

Mr. LODGE. If the Senator will allow me, what the Senator from Nebraska said was perfectly correct. There were no binding agreements made in the conference; we did not undertake to bind anybody, either the Senate or ourselves. The Senator from Nebraska is right about that.

Mr. TOWNSEND. I do not want to be understood as implying that it was binding; I understand it as does the Senator from Massachusetts; but it was attempted to agree on this proposition, and I should like to see that attempt put to a test, especially as I can see no radical difference between the two propositions.

Mr. LODGE. I should like to see the amendment proposed by the Senator from Missouri [Mr. REED] added.

Mr. HITCHCOCK. Will the Senator yield to me?

Mr. TOWNSEND. I yield.

Mr. HITCHCOCK. I think the Senator from Michigan should refer to me as criticizing rather than objecting to this particular amendment. What I objected to was the statement of the Senator from Wisconsin [Mr. LENROOT] putting me in a position as though I had agreed to the amendment. I am perfectly free to do as I please about all of the amendments which were discussed and formulated by the bipartisan conference.

Mr. TOWNSEND. To be perfectly frank with the Senator from Nebraska, I think he did not himself understand what he was doing when he was criticizing the amendment.

Mr. HITCHCOCK. I certainly was criticizing it; I was not stating that I should oppose it. I stated that I thought it did not contain all that it was intended to contain, and the Senator from Massachusetts has stated that it was intended to be an abbreviation of what was in the original reservation.

Mr. TOWNSEND. And I think it is.

Mr. HITCHCOCK. And I pointed out one thing which it failed to include, and suggested that it ought to be made to include it. I did not intend to go so far as the Senator indicates in the matter, for I feel free to do as I please.



The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Missouri [Mr. REED] to the substitute of the Senator from Montana [Mr. WALSH], which the Secretary will now state.

The ASSISTANT SECRETARY. At the end of the proposed substitute of Mr. WALSH, after the word "duties," it is proposed to add a comma and the following words:

And no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils, or conferences except with the approval of the Senate of the United States.

Mr. REED. Mr. President, I desire to withdraw that amendment to the amendment and to offer in lieu of it another, which accomplishes the same purpose but follows the language of the proposed substitute. This is my proposal, to add:

And no citizen of the United States shall be selected or appointed as a member of any such body or agency except with the approval of the Senate of the United States.

The language of the amendment I first offered was taken from the Lodge reservation, which varies in its description of the tribunals and agencies from that which is employed in the substitute. The amendment I am now offering is merely intended to conform to the language of the substitute, so that instead of repeating the words "member of said commissions, committees, tribunals, courts, councils, or conferences," I simply adopt the language of the substitute, which is "appointed as a member of any such body or agency, except with the approval of the Senate of the United States."

Mr. SMOOT. Would it not be better to say "confirmation by the Senate"?

Mr. REED. I think they mean the same. We might say "except with the advice and consent of the Senate," but "with the approval" means the same, and I offer the amendment in that form.

Mr. LODGE. Mr. President, as I understand, the amendment of the Senator from Missouri would be added to the draft of the amendment of the Senator from Montana. In that event I shall very cheerfully accept it and shall make no opposition to it.

Mr. WALSH of Montana. I ask for the reading of the draft of the amendment as it would read if amended.

The PRESIDENT pro tempore. The Secretary will read as requested.

The ASSISTANT SECRETARY. At the end of the proposed substitute of Mr. WALSH of Montana, after the word "duties," it is proposed to add a comma and the words "and no citizen of the United States shall be selected or appointed as a member of any such body or agency, except with the approval of the Senate of the United States," so that it will read:

7. No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties, and no citizen of the United States shall be selected or appointed as a member of any such body or agency, except with the approval of the Senate of the United States.

Mr. REED. Mr. President, it is rather embarrassing—

The PRESIDENT pro tempore. The Chair has recognized the Senator from Montana.

Mr. REED. I merely wish to make a correction.

Mr. WALSH of Montana. I yield to the Senator from Missouri.

Mr. REED. It is rather embarrassing, but I hastily prepared the amendment on the floor, and in its reading I detect what I think is a mistake. The language, instead of being "and no citizen of the United States shall be appointed," should be "and no person shall be appointed." I ask to make that change.

The PRESIDENT pro tempore. The change will be made according to the request of the Senator from Missouri.

Mr. WALSH of Montana. Mr. President, I should not like to have my position about this matter misunderstood in the slightest degree. The amendment, in my opinion, offered by the Senator from Missouri is entirely unnecessary; the subject matter is already covered by the language of the proposed substitute.

Mr. SMITH of Georgia. Mr. President, may I ask the Senator if Congress legislated and provided for the appointment in a different way, would not that control instead of the amendment of the Senator from Missouri?

Mr. WALSH of Montana. I think so; but however that may be, Mr. President, the amendment as it is proposed is to the effect that no one whomsoever shall represent the United States, nor shall any citizen of the United States be eligible to sit as a member, by whomsoever he is appointed, except pursuant to an act of Congress. A law of Congress accordingly will be passed, and that law will provide by whom this representative may be appointed. If the Senate does not want to have the man appointed without its approval, of course it will not give its approval to any law that provides otherwise. The Senate has an

opportunity to have its say when the law is being enacted, and if it does not want it, it does not have to have it. It can reject any proposal that does not contemplate the appointment in exactly the manner provided.

But, Mr. President, to go further than that, so far as any representative of the United States is concerned, it is taken care of by the Constitution of the United States, which provides that the President of the United States, "by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, \* \* \* and all other officers of the United States," except those whose appointment is otherwise provided for by law. So it is there, and we do not need to put it in the reservation; the Constitution has already taken care of it.

Bear in mind that I undertook to act only in the capacity of a parliamentary draftsman. I was not expressing my ideas about what the reservation ought to be; I was simply undertaking to put the meaning of the reservation as it stood in less language. It is a matter of entire indifference to me whether my draft is accepted or the draft as it was originally prepared. In my judgment, both of them are entirely needless, or either of them is so. So if my substitute shall be adopted—and it is a matter of entire indifference to me whether it is or not—I shall vote against it anyway because I do not think that any reservation on the subject is necessary, and I believe that the treaty will have exactly the same effect whether there is a reservation or not.

Mr. BORAH. Mr. President, I am not, perhaps, justified in discussing the reservation, but it is perfectly apparent that we are drifting away from reservations and coming to the question either of sustaining or defeating the bipartisan committee. It seems to me that, after having adopted these reservations upon the 19th of November, if we are going to adopt reservations at all, in view of the fact that Senators on the other side are very frank in saying that whatever we write they do not propose to vote for, I do not see why our time is occupied in this way. I think that their position is a perfectly logical one; I do not understand that they are binding themselves to vote for the reservations, but if they are not going to vote for them, why should we redraft the reservations in order that we may vote for them? It really occurs to me, Mr. President, that instead of the bipartisan committee acting as leader upon the floor the Senator from Massachusetts ought to act as leader.

Mr. BRANDEGEE. Mr. President, of course I assume that it would have great weight with the Senator if the self-constituted bipartisan committee had agreed upon anything; everybody else ought to change his opinion forthwith, I assume; but, as nearly as I can get at it, if anybody has the temerity to intimate that they ever agreed on anything he is immediately called a prevaricator, and every member of the conference appears to feel insulted that he is accused of having agreed with his colleagues upon anything. Not only do they get up and openly repudiate it, but it is all we can do to conduct the debate here in parliamentary terms. There is more feeling engendered in the "harmony" produced by this conference committee than there was in the composition of the original reservation.

Now, look what happens here. The Senator from Massachusetts [Mr. LODGE], who is acting in good faith in the interest of harmony and cordial rapprochement between the two sides of the Chamber, gets up and sacrifices his original reservation, and accepts that of the conference committee, although he does not believe in it, he says, and thinks his own is the better. He meets the Senator from Nebraska in going more than halfway. He abandons his own reservation and accepts in toto the product of the conference committee.

That seems to throw the other members of the conference committee into a state of high dudgeon, and they immediately repudiate any such unauthorized and presumptuous concession on the part of the Senator from Massachusetts, and up rises the Senator from Nebraska [Mr. HITCHCOCK] and promptly says it is defective unless he can put on a finishing touch as an amendment to perfect it, whereupon up gets the Senator from Wisconsin [Mr. LENROOT], another member of the harmony committee, and states that the Senator from Nebraska, having agreed to it in conference, has no business to be amending it here in the open; whereupon the Senator from Nebraska throws the "allegator" at the Senator from Wisconsin, saying that he never agreed to anything, although in the previous sentences he had said that it was all passed upon in the committee. Then, not to be outdone in the exchange of drolleries and royal politeness, the Senator from Montana [Mr. WALSH] gets up and says he is against it all—it is all unnecessary, not to say impertinent and irrelevant—and he was only a legislative reference



bureau in the matter, anyway—he had no responsibility for it; he hated the idea of it, but he was the only mind and hand really competent, in this self-selected committee of perfectionists, to place before this body in its high deliberations something that as a *sine qua non* he would never vote for himself, anyway.

So, Mr. President, I state again that we are progressing rapidly. We are now "perfecting" the amendments which the Senate, in a sane moment last November, placed upon this treaty. It more or less makes me feel that I have wandered into an assembly where I can not contribute anything toward the consummation of the proceeding in which they are engaged. If, however, the Senator from Massachusetts thinks the reservation he voted for on November 19 is the best one, I hope he will stand by his convictions and vote for it; and if the Senator from Montana thinks none of them is useful, I hope he will vote against them all. As for me, I think just as I did on November 19, and I shall vote for the same reservation that I voted for then.

Mr. LENROOT. Mr. President, I take it that the only purpose and object of offering these modifications that were tentatively agreed to in the conference was upon the theory that it would help the two sides to get together upon a ratification of the treaty, and unless that purpose is to be served there can be no possible object in adopting these modifications.

Inasmuch as the Senator from Montana [Mr. WALSH] has frankly stated that if this amendment is adopted he proposes to vote against the reservation as amended, I can see no possible good to come through the adoption of the amendment. Therefore I hope it will be defeated and the original reservation adopted.

Mr. McCORMICK. Mr. President, before the Senate abandons this metaphysical exercise, this engagement in verbal contortion, this oratorical perambulation in which it has been occupied during the greater part of the afternoon, it may be permissible for a mere novice to ask, To what purpose are we addressing ourselves day after day?

It is asserted—without any great show of conviction, to be sure—by the Senator from Wisconsin [Mr. LENROOT] that the substitute reservations are offered in an endeavor to effect an agreement. God save the mark! They are offered in an endeavor to convey to one element in the country one meaning and to another element another meaning. They are offered to convey one meaning to America and another to Europe. If they are not offered to that end, why should they be offered at all? We sit here spinning phrases hour after hour.

SEVERAL SENATORS. What is the Senator doing?

Mr. McCORMICK. Oh, I am spinning a little lace to adorn the fabric woven by the master hands.

There are some of us who have considerable correspondence to answer. A great flood of protests has come into my office in the last few days against the horrors perpetrated in Korea. We have a great correspondence, in the mere answering of which we might be occupied if we were not sitting here debating like medieval theologians as to how many angels may dance on the point of a needle.

Mr. WALSH of Montana. Mr. President, I desire to say just an additional word, in view of some comments made by Senators upon the other side of the Chamber.

I accepted the invitation to act on the so-called bipartisan conference committee—the harmony committee, as it is now being called, perhaps appropriately—in the hope that we would be able to agree upon some modification of these reservations through which all of those favoring ratification of the treaty would be enabled to vote for a resolution of ratification. I had a very earnest hope that we should be able thus to agree, but we were not; and the committee, after it had proceeded with its work for some time, and had proposed tentative changes in some of these reservations, passed to the consideration of the reservation in relation to article 10, and it broke up under circumstances to which I have heretofore adverted, and of which I do not care now to speak again.

If we had concluded, I should very cheerfully have come to the Senate and voted in favor of every one of those reservations, and voted for the resolution of ratification with them as a part of it; but, as I say, we did not. We broke up without agreeing, and the work that we did with respect to the reservations, including article 10, has not been accepted upon the other side of the Chamber. No one upon the other side of the Chamber has tendered a reservation in relation to article 10 expressing the views of the conference committee so far as they had reached any agreement with respect to the matter; and, of course, under those circumstances I do not feel under any obligation whatever to vote for any of the reservations, even though they are amended as was suggested or tentatively agreed upon in the

committee; and, without any regard to whether the agreement in the committee was tentative or otherwise, it was not carried out.

I do not, therefore, feel under any kind of obligation to vote for these amendments, and we have recurred to the original proposition. I shall be very glad to help to put these reservations, so far as I can, in a form that is acceptable to the Senate, but I do not intend to vote for them.

Mr. REED. Mr. President, in view of the debate of the last few minutes, which demonstrates pretty conclusively that the substitute which has been offered, and to which I have offered an amendment, is merely a legislative waif that nobody really cares to father, I think I shall withdraw from any share of the responsibility by withdrawing the amendment.

The PRESIDENT pro tempore. The Senator from Missouri withdraws the proposed amendment. The question now is upon the substitute of the Senator from Montana [Mr. WALSH] for reservation No. 7.

Mr. LODGE. Mr. President, I am as sensible of the humorous side of the efforts of the bipartisan conference as the Senator from Connecticut [Mr. BRANDEGEE], and I entirely appreciate what he has said about it; but I want to say to the Senator from Illinois [Mr. McCORMICK] that when it comes to telling the world what other people's motives are it is well to tread carefully, because I have not yet met anybody in my pilgrimage who was able to read the human heart or to tell what the motives of other people were. It is often attempted, but I do not think anyone knows.

Mr. President, there is this, and perhaps only this, to be said for the bipartisan conference: It was an honest effort to bring about some agreement which would enable us to ratify the treaty with the reservations. We came to no agreement. I joined in that effort because I have tried to secure the ratification of the treaty, during the months that I have been concerned with it, with reservations which I thought would protect the safety and the independence and the sovereignty of the United States, and I will not vote to ratify the treaty unless there are reservations which effect those things; but I was not willing to say that I would listen to no modifications; that I would shut the door on any further attempts to reach a ratification. That I decline to do.

Whatever was done there, there was no attempt to deceive anybody. I have stated these modifications that were proposed and tentatively agreed to; I have stated them here fairly, as I understood them, and I had hoped that those that had been tentatively agreed to would be accepted here. I had no other purpose. I can not imagine who can be deceived.

As for time being wasted, I know, of course, that the Senator from Illinois and other Senators are greatly oppressed with correspondence. I have had some letters myself; but it seemed to me that the most important thing was to try to dispose of the treaty, to try to settle it. If we can not ratify it, let us show it to the country and send it back where it came from. If we can get an agreement by which we can ratify it, let us get it; and I thought the second attempt was worth making.

I am not much of a medieval theologian, although I have heard of the familiar illustration of the angels dancing on a needle point; but I do not think time is wasted if we can bring about the ratification of the treaty and its final disposition, and take it away as an obstruction to the public business. I hope we shall do it as rapidly as possible, and whatever disposition the Senate makes of these reservations will be acceptable to me.

I offered this particular one in good faith. It had been prepared by a distinguished Democrat on the conference committee. It was supported by them all. It never occurred to me that they would stand here and oppose it; but apparently the plan is to oppose and try to change every modification, and, after the modifications are put on, if they get on, then, on the other side, to vote against the reservation.

No agreement, no arrangement, can be possible under such terms as those. After the performance we have had here this afternoon, when we come forward and take in the very words in which it was drawn and offered the amendment prepared by the Senator from Montana, and he then gets up here and says he does not believe any amendment is necessary, that he is going to vote against the reservation anyway, I can only say that, so far as I am concerned, I am through with it, and I shall offer no more modifications to attempt anything on that line. I am coming back to the reservation we adopted on the 19th of November, and which had the support of a decided majority of the Senate; and if the Senator from Montana wants a vote on his reservation as he now has it, I shall be glad, for one, to vote against it.



Mr. BORAH. As I understand the Senator from Massachusetts, it is his purpose to offer the reservations as they were voted upon on the 19th of November?

Mr. LODGE. I was referring to those that came out of the conference. I shall not offer those. There are two changes which personally I think ought to be made for the improvement of the reservations, and those I shall offer upon my own account for the Senate to dispose of as it may please.

Mr. BORAH. I understand that, so far as the reservations which came out of the conference are concerned, they are to be offered by some one else?

Mr. LODGE. I shall offer no more of them.

Mr. BORAH. We can make some progress if that is the program.

Mr. KELLOGG. I want it to be understood, Mr. President, that I do not agree that I shall not offer any further changes.

Mr. LODGE. Oh, certainly not.

Mr. BORAH. No one had any such understanding, of course.

Mr. LODGE. Of course, the reservations are open to all the changes that may be desired to be offered by any Senator.

Mr. BORAH. I understand the Senator from Minnesota has several reservations in his pocket. He might exhibit them and give us an opportunity to see them.

Mr. KELLOGG. The Senator does not understand that.

Mr. BORAH. I do understand exactly that thing.

Mr. KELLOGG. It is not true.

Mr. BORAH. They may not be in the Senator's pocket, but he has been writing them.

Mr. WALSH of Montana. Mr. President, I desire to say in behalf of this side of the Chamber that there is no expectation that any of the reservations agreed upon by the bipartisan conference as are going to be offered on the other side, nor do we understand that any member of that conference is under any kind of an obligation to offer them unless he cares to do so.

Mr. LODGE. They are not. I have said that again and again. There was no obligation, and we did not attempt to bind anybody. We made an attempt in good faith, all of us I think on both sides, to try to get an agreement.

Mr. WILLIAMS. May I ask the Senator a question? What was the object of this so-called bipartisan conference, if they did not intend to bind even themselves to anything?

Mr. LODGE. They did not.

Mr. WILLIAMS. Then they were just holding a conference for fun?

Mr. LODGE. Senators from your side came to me and asked for it, and I agreed to it.

Mr. WILLIAMS. And you appointed certain conferees on your side?

Mr. LODGE. Yes.

Mr. WILLIAMS. And some one appointed certain conferees upon our side, and they met and conferred without any intention of agreeing to anything.

Mr. LODGE. That is not true.

Mr. WILLIAMS. Ah, then, the Senator—

Mr. LODGE. We did have the intention of agreeing, and we tried on both sides.

Mr. WILLIAMS. They did intend to do that?

Mr. LODGE. They did.

Mr. WILLIAMS. And now the Senator tells us that they were tentative agreements which meant nothing, that they merely agreed to them in fun, and would see about them later on.

Mr. LODGE. They were tentative, with the view of an understanding, if we could get a complete agreement on all. There was no complete agreement, and therefore they fell.

Mr. WILLIAMS. They fell by the wayside?

Mr. LODGE. They did. They fell where your treaty has fallen.

Mr. WILLIAMS. And nobody cares for them now?

Mr. LODGE. I certainly do not care about them.

Mr. WILLIAMS. I thought not. I had that idea all the time.

Mr. LENROOT. Will the Senator yield?

Mr. LODGE. Certainly.

Mr. LENROOT. I should like to ask the Senator whether it is not true that every Member on this side who was a member of that conference is ready to keep those tentative agreements that were made and vote for them if the other side will do so?

Mr. LODGE. Absolutely; every one of us, and we have been all along.

Mr. SMITH of Georgia. Mr. President, I had supposed when we took up the treaty again that we understood, at least as to a number of the reservations, that certain modifications would be made. As to this particular reservation, the substitute was prepared by a distinguished Senator on this side of the Chamber, and I think it most unfortunate that we did not promptly accept that substitute when it was presented by the Senator

from Massachusetts. I think it is admirably phrased and covers everything that is necessary and is a substantial improvement upon the original reservation on the same subject. I still hope that we may be able to accept it. I think it is a reservation that should satisfy every Senator, and I hope that others, with the Senator from Wisconsin [Mr. LENROOT], will join in supporting it as reoffered by the Senator from Montana [Mr. WALSH].

I am glad the Senator from Missouri [Mr. REED] withdrew his amendment, because it was entirely unnecessary. I should have voted against his amendment. The Congress, when it passes legislation upon this subject, will prescribe the manner of selection and appointment. It will have the right to determine which of the places require confirmation and which do not. Even if we added a provision similar to that suggested by the Senator from Missouri, Congress when passing the legislation could direct otherwise, and Congress would not be bound by the amendment suggested by the Senator from Missouri, that none of these representatives should act unless appointed by the President by and with the advice and consent of the Senate. Such a provision in this reservation would not be binding upon Congress. Congress may change it and control the subject when the legislation is passed.

If we are really to do anything toward ratifying the treaty, here is a reservation which we all agree is proper, and to which, as I understand, nobody objects. I earnestly hope that the substitute offered by the Senator from Montana may still be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the substitute proposed by the Senator from Montana [Mr. WALSH].

Mr. NORRIS. On that question I ask for the yeas and nays. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. EDGE (when his name was called). In the absence of my pair I withhold my vote, as I do not know how he would vote.

Mr. JOHNSON of South Dakota (when his name was called). Making the same announcement as heretofore with reference to my pair, I withhold my vote. If at liberty to vote, I would vote "yea."

Mr. GRONNA (when Mr. LA FOLLETTE's name was called). I repeat the announcement heretofore made that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. If present, he would vote "nay" on this question. He is paired with the Senator from Ohio [Mr. POMERENE].

Mr. PHIPPS (when his name was called). Making the same announcement as before regarding my pair, I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. SPENCER (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. McKELLAR], and in his absence withhold my vote. If at liberty to vote, I would vote "nay."

Mr. THOMAS (when his name was called). I am informed that my pair, if present, would support the substitute. I therefore vote "yea."

Mr. TOWNSEND (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], but I feel at liberty to vote on this question. I vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the announcement previously made concerning the illness of my pair and his absence, and the transfer of that pair, I vote "yea."

The roll call was concluded.

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is unavoidably detained from the Senate. If present, my colleague would vote "yea."

Mr. JONES of Washington. Announcing my pair as heretofore and its transfer to the Senator from California [Mr. JOHNSON], I vote "nay."

Mr. DILLINGHAM. I transfer my pair with the senior Senator from Maryland [Mr. SMITH] to the Senator from Michigan [Mr. NEWBERRY] and vote "nay."

Mr. FLETCHER. Announcing my pair as before and the transfer of my pair with the Senator from Delaware [Mr. BALL] to the Senator from North Carolina [Mr. SIMMONS], I vote "yea."

Mr. JOHNSON of South Dakota. I transfer my pair with the Senator from Maine [Mr. FERNALD] to the Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. EDGE. I am informed that my pair, the junior Senator from Oklahoma [Mr. OWEN], if present, would vote "yea." Therefore I feel at liberty to vote. I vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Minnesota [Mr. NELSON] with the Senator from Mississippi [Mr. HARRISON].



The result was announced—yeas 37, nays 32, as follows:

## YEAS—37.

Beckham	Harris	McNary	Smith, S. C.
Chamberlain	Henderson	Myers	Thomas
Culberson	Hitchcock	New	Townsend
Cummins	Johnson, S. Dak.	Nugent	Trammell
Edge	Jones, N. Mex.	Overman	Walsh, Mont.
Fletcher	Kellogg	Phelan	Williams
Gay	Kendrick	Pittman	Wolcott
Gerry	Keyes	Ransdell	
Glass	King	Sheppard	
Hale	Kirby	Smith, Ga.	

## NAYS—32.

Borah	France	Lodge	Sherman
Brandegge	Frelinghuysen	McCormick	Shields
Calder	Gore	McLean	Smoot
Capper	Gronna	Moses	Sterling
Colt	Jones, Wash.	Norris	Sutherland
Curtis	Kenyon	Page	Wadsworth
Dillingham	Knox	Poin Dexter	Warren
Elkins	Lenroot	Reed	Watson

## NOT VOTING—26.

Ashurst	Johnson, Calif.	Penrose	Spencer
Ball	La Follette	Phipps	Stanley
Dial	McCumber	Pomerene	Swanson
Fall	McKellar	Robinson	Underwood
Fernald	Nelson	Simmons	Walsh, Mass.
Harding	Newberry	Smith, Ariz.	
Harrison	Owen	Smith, Md.	

So the substitute of Mr. WALSH of Montana for reservation No. 7 was agreed to, as follows:

No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible, as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

The PRESIDENT pro tempore. The question is upon agreeing to reservation No. 7 as amended.

Mr. LODGE. On that I ask for the yeas and nays.

Mr. SMITH of Georgia. Have we not adopted a substitute?

Mr. LODGE. We have adopted a substitute and a vote is now required on the reservation as amended.

Mr. SMITH of Georgia. Was it not an entire substitute?

Mr. LODGE. It was; but it was an amendment, of course, and the reservation as amended has to be voted upon.

Mr. WILLIAMS. Upon that I ask for the yeas and nays.

Mr. LODGE. They have already been asked for.

Mr. SMITH of Georgia. It was an amendment in the nature of a substitute?

Mr. LODGE. It was a substitute in the nature of an amendment. Of course, it requires a vote on the reservation. I ask for the regular order and call for the yeas and nays.

Mr. REED. Mr. President—

Mr. WALSH of Montana. I understood I was recognized.

The PRESIDENT pro tempore. The Chair has recognized the Senator from Montana.

Mr. REED. A parliamentary inquiry, Mr. President. Is the proposition which we have just substituted for the reservation now open to amendment?

The PRESIDENT pro tempore. No; not in Committee of the Whole.

Mr. LODGE. It is not open to amendment, because the Senate adopted it.

The PRESIDENT pro tempore. The Chair is of the opinion it is not open to amendment in Committee of the Whole.

Mr. WALSH of Montana. Mr. President, I desire simply to repeat what I have said before. While my position with respect to this matter may seem to some people to be inconsistent, it is not so at all.

I have heretofore declared that I simply endeavored to put the reservation in what I believed to be better language. I do not by that act nor by anything done heretofore desire to indicate that I think such a reservation is at all necessary. I do not think so. As I said before, if we had been able to agree upon these matters, I would very cheerfully have voted for every one of the reservations and for the resolution of ratification with the reservations on; but, as the proceedings came to naught, I do not feel under any obligation whatever to carry out that purpose, and I shall accordingly vote against the adoption of this reservation.

Mr. LODGE. Mr. President—

Mr. SMITH of Georgia. I desire to renew my point of order—

The PRESIDENT pro tempore. The Senator from Massachusetts has been recognized by the Chair.

Mr. LODGE. I was simply going to ask for a vote.

The PRESIDENT pro tempore. The Chair is quite willing to be advised in the matter, but is of the opinion that the reservation has been adopted.

Mr. SMITH of Georgia. That is the point of order I desired to make.

The PRESIDENT pro tempore. If that be not true, the Chair will be very glad to be advised in regard to it.

Mr. LODGE. I may be all wrong, but it is a matter which has been very much fixed in my mind for a great many years that when a motion is carried to strike out and insert, the language inserted is not open to amendment, but the motion prevails because the body has adopted that precise language. But we have then to vote on the original proposition as amended. The fact that a substitute has been adopted does not pass the original proposition.

Mr. SMITH of Georgia. This in no sense was an amendment. It was a complete substitute.

Mr. LODGE. Of course, it was.

Mr. SMITH of Georgia. We were at liberty to perfect the original proposition by amendment. We were at liberty to perfect the substitute by amendment. We adopted the substitute, and that ended it. That is the procedure by which we have conducted business here time and again, and the vote for the substitute was the adoption of it.

Mr. GORE. Mr. President, I think the Senator from Georgia is entirely incorrect in the statement of the parliamentary status. It is easily illustrated by the attitude of the Senator from Montana [Mr. WALSH], the author of the substitute. This amendment in the form of a substitute was agreed to as a substitute for the pending reservation. The substitute is now pending in exactly the same parliamentary status as the original reservation.

The Senator from Montana has already declared that he intended to vote against his substitute if it was agreed to. There may have been a number of Senators who voted for the substitute, hoping that when the final question recurred on the substitute it might then be defeated entirely. Nobody can conclude that a majority of the Senate favors the substitute until the final action of the Senate.

Mr. FLETCHER. May I suggest that there is absolutely nothing of the original proposition left? There is nothing left now but the substitute.

Mr. GORE. Certainly not.

Mr. FLETCHER. It takes the place of the original proposition, and we do not have to vote on it again because we have voted on it once.

Mr. GORE. It took the place of the original proposition pending before the Senate.

Mr. REED. Mr. President, may I suggest in a word this thought? The Senate had before it a reservation. It had before it a substitute for that reservation. We did not vote to pass the substitute. We voted to substitute the substitute for the other proposition. That is the question we voted on. Anyone might have voted to place that substitute in the place of the reservation, but he still has the right to vote on whether he wants that substitute adopted as a reservation. That is all the argument I want to make.

The PRESIDENT pro tempore. The Chair may observe that there must be many precedents upon this question, and the Chair would be very glad if some one of the Senators who understands parliamentary law, as the Chair does not, would state some of the precedents, so that we may be advised.

Mr. LENROOT. Mr. President, I have examined Giffry's Precedents in the Senate, and I do not find any precedent for this question. If I may be permitted the suggestion, it is so elementary that an amendment must be again voted on that a precedent would not be found, although I may state that there are very many of them in Hinds' Precedents in the House.

May I recall to the Chair the situation? The adoption of a substitute is nothing but an amendment. The Senate has the right at all times to perfect the amendment in any way it chooses. If the substitute is adopted the Senate has the right to say that as between the original proposition and the substitute proposition they prefer the substitute, but then they must have the right to vote against the substitute on the original proposition as amended.

I assure the Chair that there can be and will be found no precedent to the contrary, but I am very sure that in the House many precedents can be found, and the practice has always been, I may say without exception, that where an amendment is adopted in the form of a substitute there must be a vote upon the question as amended by the substitute.

The PRESIDENT pro tempore. The Chair will accept that view of the matter.

Mr. LODGE. Mr. President, if I may make a suggestion, I think I am right in saying that the Senate railroad bill was substituted for the House railroad bill. That was done, I think, at the beginning of the consideration of the bill here. Does anyone suggest that the substitution of the Senate bill for the House bill made it needless to have a vote in order to pass the bill?

The PRESIDENT pro tempore. Does the Senator from Massachusetts ask the Chair the question?



Mr. LODGE. I merely make the suggestion.  
The PRESIDENT pro tempore. The Chair will again announce that he accepts that view of the matter.  
Mr. LODGE. I did not hear the statement of the Chair. I beg the Chair's pardon.

The PRESIDENT pro tempore. The Senator from Massachusetts requests the yeas and nays. Is the request seconded?  
The yeas and nays were ordered.

Mr. WILLIAMS. Mr. President, has the Chair ruled?

The PRESIDENT pro tempore. The Chair has ruled.

Mr. WILLIAMS. What was the effect of the ruling of the Chair?

The PRESIDENT pro tempore. The Chair ruled that the adoption of the substitute is not an adoption of the reservation.

Mr. WILLIAMS. Then, I do not want to be recognized. I think the Chair is right.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Reading Clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I transfer my pair with the senior Senator from Maryland [Mr. SMITH] to the junior Senator from Michigan [Mr. NEWBERRY] and vote "yea."

Mr. EDGE (when his name was called). Making the same announcement as previously in reference to my pair and its transfer, I vote "yea."

Mr. FLETCHER (when his name was called). Making the same announcement as to my pair and its transfer as before, I vote "yea."

Mr. JOHNSON of South Dakota (when his name was called). I transfer my pair with the Senator from Maine [Mr. FERNALD] to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. PHIPPS (when his name was called). Repeating my announcement regarding my pair, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. OVERMAN (when the name of Mr. SIMMONS was called). I again announce the unavoidable absence of my colleague [Mr. SIMMONS]. If he were present, my colleague would vote "yea."

Mr. SPENCER (when his name was called). I transfer my pair with the junior Senator from Tennessee [Mr. MCKELLAR] to the junior Senator from Massachusetts [Mr. WALSH]. I vote "yea."

Mr. TOWNSEND (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON]. I do not know that I shall have an opportunity to transfer that pair, and I therefore withhold my vote. If I were permitted to vote, I should vote "yea."

Mr. WILLIAMS (when his name was called). The senior Senator from Pennsylvania [Mr. PENROSE], with whom I am paired, is unfortunately ill and absent. I transfer my pair with him to the Senator from Kentucky [Mr. STANLEY] and vote "nay."

The roll call was concluded.

Mr. THOMAS. I am informed that my pair, the Senator from North Dakota [Mr. McCUMBER], if present would vote in the affirmative upon the pending question. I therefore feel at liberty to vote, and vote "yea."

Mr. PHIPPS. I transfer my pair to the Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. JONES of Washington. Again announcing the transfer of my pair to the Senator from California [Mr. JOHNSON], I vote "yea."

Mr. TOWNSEND. I find I can transfer my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the senior Senator from North Dakota [Mr. McCUMBER]. I do so, and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

Senator from Minnesota [Mr. NELSON] with the Senator from Mississippi [Mr. HARRISON]; and

The Senator from Wisconsin [Mr. LA FOLLETTE] with the Senator from Ohio [Mr. POMERENE].

The result was announced—yeas 55, nays 14, as follows:

## YEAS—55.

Beckham	Frelinghuysen	McCormick	Sherman
Borah	Gore	McLean	Shields
Brandeggee	Gronna	McNary	Smith, Ga.
Calder	Hale	Moses	Smoot
Capper	Henderson	Myers	Spencer
Chamberlain	Jones, Wash.	New	Sterling
Colt	Kellogg	Norris	Sutherland
Cummins	Kendrick	Nugent	Thomas
Curtis	Kenyon	Overman	Townsend
Dillingham	Keyes	Phelan	Trammell
Edge	Kirby	Phipps	Wadsworth
Elkins	Knox	Pittman	Warren
Fletcher	Lenroot	Poin Dexter	Watson
France	Lodge	Reed	

## NAYS—14.

Gay	Hitchcock	Ransdell	Williams
Gerry	Johnson, S. Dak.	Sheppard	Wolcott
Glass	Jones, N. Mex.	Smith, S. C.	
Harris	King	Walsh, Mont.	

## NOT VOTING—26.

Ashurst	Harrison	Owen	Smith, Md.
Ball	Johnson, Calif.	Page	Stanley
Culberson	La Follette	Penrose	Swanson
Dial	McCumber	Pomerene	Underwood
Fall	McKellar	Robinson	Walsh, Mass.
Fernald	Nelson	Simmons	
Harding	Newberry	Smith, Ariz.	

So the reservation reported from the Committee on Foreign Relations as amended was agreed to, as follows:

7. No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

Mr. REED subsequently said: Mr. President, the time has really passed for making the observation I now desire to make, but at the conclusion of the vote I rose to call attention to the importance of the ruling the Chair made on the point of order. It will be observed that, as a result of the ruling upon the point of order, which was correct, another vote was taken in the Senate, which gave the author of the substitute which had just been accepted by the Senate, and for which its author voted as a substitute, the opportunity to cast his vote against his own substitute, which also affords an illustration of how easy it is to be sometimes jockeyed into a position where you lose a race with the best horse.

## MESSAGE FROM THE HOUSE.

As in legislative session,

A message from the House of Representatives, by Mr. Overhul, one of its clerks, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 3076. An act authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes; and

H. R. 12046. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

## PETITIONS AND MEMORIALS.

Mr. CAPPER presented memorials of sundry citizens of Albuquerque, N. Mex., and of sundry citizens of Loyalty, Holden, and Lincoln, all in the State of Missouri, remonstrating against compulsory military training, which were ordered to lie on the table.

Mr. JONES of Washington presented a petition of the Pioneers of Alaska, Igloo No. 7, of Valdez, Wash., praying for the enactment of legislation making an appropriation for the repair of the Government Military Highway in Keystone Canyon, which was referred to the Committee on Military Affairs.

Mr. PAGE presented a petition of sundry citizens of Vermont, praying for the enactment of legislation providing for the parole of Federal prisoners, which was referred to the Committee on Military Affairs.

Mr. TOWNSEND (for Mr. NEWBERRY) presented a petition of Leigh A. Wright Post, No. 53, American Legion, of Hillsdale, Mich., praying for compulsory military training, which was ordered to lie on the table.

He also (for Mr. NEWBERRY) presented a petition of Leigh A. Wright Post, No. 53, American Legion, of Hillsdale, Mich., praying for the enactment of legislation providing for a bonus for ex-service men, which was referred to the Committee on Military Affairs.

He also (for Mr. NEWBERRY) presented a petition of sundry citizens of Drummond, Mich., praying for the enactment of legislation providing for the public protection of maternity and infancy, which was referred to the Committee on Public Health and National Quarantine.

He also (for Mr. NEWBERRY) presented a petition of sundry citizens of Ann Arbor, Mich., praying for the fulfillment of treaty obligations with Korea, which was referred to the Committee on Foreign Relations.

He also (for Mr. NEWBERRY) presented a memorial of Local Lodge No. 7, Metal Polishers' International Union, of Grand Rapids, Mich., remonstrating against the passage of the so-called Sterling sedition bill, which was ordered to lie on the table.

## MARKING OF WOOL.

Mr. CAPPER. I presented a petition from the Utah State Wool Growers' Association and the American National Live



Stock Association on the 26th of February last, and it was referred to the Committee on Finance. I ask that the Committee on Finance be discharged from the further consideration of the petition and that it be referred to the Committee on Interstate Commerce, that committee having charge of the bill under consideration.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RANDELL:

A bill (S. 4013) to amend the land-leasing act of February 25, 1920; to the Committee on Public Lands.

By Mr. POINDEXTER:

A bill (S. 4014) authorizing the adjustment of the boundaries of the Olympic National Forest, in the State of Washington, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 4015) authorizing the Secretary of War to grant to Lloyd E. Gandy, of Spokane, Wash., his heirs and assigns, the right to overflow certain lands on the Fort George Wright Military Reservation, at Spokane, Wash., on such terms and conditions with respect to improvements to be made on the present target range as may be prescribed by the Secretary of War, or, in lieu of such improvements to be made on the present target range, the Secretary of War may accept a conveyance to the United States of such other lands, to be designated by the Secretary of War, as may be deemed suitable for a target range in exchange for such overflow lands; that to facilitate the acquisition of the necessary additional lands the Secretary of War is authorized to condemn land necessary and suitable for target-range purposes, such condemnation to be at the expense of said Lloyd E. Gandy, grantee, his heirs and assigns; to the Committee on Military Affairs.

By Mr. KING:

A bill (S. 4016) to establish a stationery office in the Department of the Treasury; to the Committee on Appropriations.

A bill (S. 4017) to extend the powers of the Comptroller of the Treasury to create the office of accounts in the Department of the Treasury and to provide for an annual budget of estimates and report of the fiscal operations of the Treasury; to the Special Committee to Devise a Plan for a Budget System.

#### NAVAL RADIO SYSTEM.

Mr. POINDEXTER. I ask unanimous consent to introduce a joint resolution to authorize and direct the Secretary of the Navy to open certain naval radio stations for the use of the general public, which I ask to have referred to the Committee on Naval Affairs.

The joint resolution (S. J. Res. 170) to authorize and direct the Secretary of the Navy to open certain naval radio stations for the use of the general public was read twice by its title and referred to the Committee on Naval Affairs.

Mr. PHELAN. I present a letter from the Secretary of the Navy on the subject of the use of the naval radio system for commercial and press purposes. The letter is explanatory of the joint resolution just introduced by the Senator from Washington [Mr. POINDEXTER], and I ask unanimous consent that it may be printed in the RECORD.

Mr. SMOOT. Mr. President—

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SMOOT. Mr. President, I understood the Senator from California to ask that something be printed in the RECORD.

Mr. PHELAN. The Senator from Washington [Mr. POINDEXTER] introduced a joint resolution relative to the use of the Navy's radio system. When transmitted by the Secretary of the Navy it was accompanied by a letter, and I asked unanimous consent that the letter be printed in the RECORD, because it explains the joint resolution.

Mr. SMOOT. The letter can be referred to the committee just as well, for that is where it will be considered, and there is no need of encumbering the RECORD with it.

The PRESIDENT pro tempore. The Senator from Utah objects.

Mr. PHELAN. Mr. President, the letter is a matter of information for the Senate, and the Chair had already ruled that the request to print it in the RECORD was approved when the Senator from Utah made his objection.

Mr. SMOOT. I was trying to get recognition of the Chair.

The PRESIDENT pro tempore. The Chair had not finally ruled on the request. The Senator from Utah objects.

#### DEVELOPMENT OF AGRICULTURAL RESOURCES.

Mr. FLETCHER. I move that the Committee on Banking and Currency be discharged from the further consideration of the bill (S. 3942) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces, and that it be referred to the Committee on Irrigation and Reclamation of Arid Lands.

The PRESIDENT pro tempore. Is there objection?

Mr. HITCHCOCK. I should like to ask the Senator whether the objection of the Senator from Connecticut [Mr. McLEAN], chairman of the Committee on Banking and Currency, has been removed?

Mr. FLETCHER. The chairman of the Committee on Banking and Currency has no objection, and the Committee on Public Lands, I understand, consent to the reference I have asked.

Mr. HITCHCOCK. To which committee does the Senator ask that the bill be referred?

Mr. FLETCHER. To the Committee on Irrigation and Reclamation of Arid Lands. The bill pertains largely to their jurisdiction.

Mr. SMOOT. Mr. President, in order that there may be no misunderstanding as to the RECORD, I wish to say that I still believe that the bill ought to go to the Committee on Public Lands, but so long as the Senator introducing the bill desires it to be referred to the Committee on Irrigation and Reclamation of Arid Lands, I am not going to make objection.

Mr. FLETCHER. May I ask if my motion has been disposed of?

The PRESIDENT pro tempore. Is there objection to the request for the order asked for by the Senator from Florida?

Mr. HITCHCOCK. I only made the inquiry because the chairman of the Committee on Banking and Currency solicited me to oppose the proposed change of reference, and I am now asking the Senator from Florida the question whether that Senator has withdrawn his opposition?

Mr. FLETCHER. I have stated that the chairman of that committee has agreed to the change of reference.

Mr. SMOOT. I will say to the Senator from Nebraska that the Senator from Connecticut has withdrawn his opposition to the change of reference.

Mr. FLETCHER. Perhaps the Senator from Nebraska will accept the word of the Senator from Utah on that subject; and I hope that is satisfactory.

Mr. GRONNA. Until I can get some information about this bill, being a member of the Committee on Banking and Currency, I shall object to the change of reference for the present.

Mr. FLETCHER. Mr. President, I am going to move to have the Committee on Banking and Currency discharged from the further consideration of the bill and that it be referred to the Committee on Irrigation and Reclamation of Arid Lands, because the Committee on Banking and Currency refuses to go on with it, and I do not propose to have the bill hung in the air.

#### RECESS.

Mr. LODGE. Mr. President, I call attention to the fact that we are in open executive session, and everything is being done by unanimous consent. Under those circumstances I move that the Senate as in open executive session take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Friday, March 5, 1920, at 12 o'clock meridian.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, March 4, 1920.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, Author of the universe, Father of all souls, we stand before Thee in awe and reverence and pray that Thou wilt sway our minds, direct our ways, by the holy spirit of truth, that they may conform to Thy purposes. In the spirit of the Lord Jesus Christ. Amen.

#### NO QUORUM—CALL OF THE HOUSE.

Mr. MILLER. Mr. Speaker, I suggest the absence of a quorum.